By Mr. QUINN: A bill (H. R. 8386) for the relief of Charlotte Lamby; to the Committee on Claims.

By Mr. SABATH: A bill (H. R. 8387) authorizing the Court of Claims to hear and adjust the claim of the trustees of the Construction Materials Corporation; to the Committee on Claims.

By Mr. TARVER: A bill (H. R. 8388) to carry into effect the findings of the Court of Claims, House Document No. 230, Sixty-fourth Congress, first session, in the matter of compensation due the estate of Wellborn Echols, deceased; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3314. By the SPEAKER: Petition of the Chamber of Commerce of Amsterdam, N. Y.; to the Committee on Ways and Means.

3315. Also, petition of Lewis A. Dowd, asking that the House of Representatives institute an investigation of the ineligibility of former Senator Hugo L. Black; to the Committee on the Judiciary.

3316. Also, petition of the Tri-Cities Central Labor Union; to the Committee on the Judiciary.

3317. Also, petition of the Grand Lodge of Knights of Pythias; to the Committee on Ways and Means.

3318. Also, petition of the Transport Workers' Union of America; to the Committee on Appropriations.

3319. Also, petition of the New York State Federation of Labor; to the Committee on Rules.

3320. Also, petition of the German American Citizens' Alliance of Wisconsin, Inc.; to the Committee on the Judiciary.

3321. Also, petition of the American Federation of Labor; to the Committee on the Judiciary.

3322. Also, petition of the Banking Department of the State of New York; to the Committee on Banking and Currency.

3323. Also, petition of the Brotherhood of Painters, Decorators, and Paperhangers of America; to the Committee on Appropriations.

3324. Also, petition of the Acting Custodian of Archives; to the Committee on Foreign Affairs.

3325. Also, petition of the Jacksonville Wholesale Lumbermen's Association; to the Committee on Labor.

3326. By Mr. KEOGH: Petition of the American Federation of Labor, Washington, D. C., concerning the preservation of the present form of administration of the Federal workmen's compensation laws by maintaining the United States Employees' Compensation Commission as an independent establishment; to the Committee on Labor.

3327. Also, petition of the Prominent Specialty Co., New York City, concerning the Black-Connery bill (S. 2475 and H. R. 7200); to the Committee on Labor.

3328. Also, petition of the New York Board of Trade, Inc., New York City, concerning reorganization of the executive departments of the Government; to the Committee on Government Organization.

3329. By Mr. PFEIFFER: Petition of the Electrolux, Inc., Brooklyn, N. Y., concerning the Black-Connery bill; to the Committee on Labor.

3330. Also, petition of the Intercoastal Lumber Distributors Association, Inc., New York, concerning the wage and hour legislation; to the Committee on Labor.

3331. Also, petition of the Brooklyn Merchant Bakers Association, Brooklyn, N. Y., concerning the new farm bill; to the Committee on Agriculture.

3332. Also, petition of the New York Board of Trade, Inc., New York City, concerning reorganization of the executive departments of Government; to the Committee on Government Organization.

3333. Also, petition of the Prominent Specialty Co., New York City, concerning the wage and hour bill; to the Committee on Labor.

SENATE

TUESDAY, NOVEMBER 16, 1937

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty and everlasting God, who art the creator of the ends of the earth, who faintest not, nor art ever weary, of whose understanding there is no searching: Save Thy people and bless Thine heritage; govern them and lift them up forever, that they may know that they who wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run and not be weary; they shall walk and not faint.

Vouchsafe, therefore, unto us this day that we, by the upsoaring of our faith, may see what is the truest way, the highest good; that we may desire only to do the thing that pleaseth Thee, and that we may go from dream to duty carrying our vision and our rapture into the actualities of life, where it is given to love's warm flame to repair the grievous injuries that sin hath wrought in the souls of men, and where good deeds done and truth sown as seeds shall ever rise again in new harvests of beauty. We ask it in the name of our Exemplar and Redeemer, Jesus Christ, our Lord. Amen.

APPEARANCE OF SENATORS

ROBERT J. BULKLEY, a Senator from the State of Ohio; JAMES J. DAVIS, a Senator from the State of Pennsylvania; PAT HARRISON, a Senator from the State of Mississippi; JOSH LEE, a Senator from the State of Oklahoma; ERNEST LUNDEEN, a Senator from the State of Minnesota; JOHN H. OVERTON, a Senator from the State of Louisiana; GEORGE L. RADCLIFFE, a Senator from the State of Maryland; HARRY S. TRUMAN, a Senator from the State of Missouri; and F. RYAN DUFFY, a Senator from the State of Wisconsin, appeared in their seats today.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Monday, November 15, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum, and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pepper
Andrews	Copeland	King	Pittman
Ashurst	Davis	La Follette	Pope
Austin	Dieterich	Lee	Radcliffe
Bailey	Donahey	Lewis	Reynolds
Bankhead	Duffy	Lodge	Russell
Barkley	Ellender	Logan	Schwartz
Berry	Frazier	Lonergan	Schwellenbach
Bilbo	George	Lundeen	Sheppard
Borah	Gibson	McAdoo	Shipstead
Bridges	Gillette	McCarran	Smathers
Brown, N. H.	Glass	McGill	Smith
Bulkley	Graves	McKellar	Thomas, Okla.
Bulow	Green	McNary	Thomas, Utah
Burke	Guffey	Miller	Townsend
Byrd	Hale	Minton	Truman
Byrnes	Harrison	Murray	Tydings
Capper	Hatch	Norris	Vandenberg
Caraway	Hayden	Nye	Van Nuys
Chavez	Herring	O'Mahoney	Wagner
Clark	Hitchcock	Overton	White

Mr. LEWIS. I announce that the junior Senator from West Virginia [Mr. HOLT] and the Senator from Delaware [Mr. HUGHES] are absent because of illness.

The Senator from Washington [Mr. BONE], the Senator from Michigan [Mr. BROWN], the Senator from Connecticut [Mr. MALONEY], the Senator from New Jersey [Mr. MOORE],

the senior Senator from West Virginia [Mr. NEELY], the Senator from Massachusetts [Mr. WALSH], and the Senator from Montana [Mr. WHEELER] are unavoidably detained from the Senate. I ask that this announcement stand for the day.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. STEIWER] is detained from the Senate on official business.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

TRIBUTE TO THE MEMORY OF THE LATE SENATOR ROBINSON, OF ARKANSAS

The VICE PRESIDENT laid before the Senate resolutions adopted by the National Assembly of the Philippines as a tribute to the memory of Hon. Joseph T. Robinson, late a Senator from the State of Arkansas, which were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution No. 70

Whereas the sad news has been received of the passing of the Honorable Joseph T. Robinson, floor leader of the United States Senate;

Whereas Senator Robinson has distinguished himself at all times as a true champion of democracy and self-rule;

Whereas his demise is a great loss both to the United States of America and to the Philippines: Now, therefore, be it

Resolved, That the National Assembly of the Philippines do, as it hereby does, express the deepest grief over the death of the Honorable Joseph T. Robinson, floor leader of the United States Senate;

Resolved further, That the assembly adjourn its session immediately upon the approval of this resolution as a token of respect and sorrow; and

Resolved finally, That a certified copy of this resolution be forwarded through official channels to the President of the United States, the American Congress, and to Mrs. Joseph T. Robinson.

Adopted August 28, 1937.

AIRCRAFT PURCHASES BY THE NAVY

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Navy, transmitting, pursuant to law, a report on designs, aircraft, aircraft parts, and aeronautical accessories purchased by the Navy Department during the fiscal year ended June 30, 1937, together with the prices paid therefor and the reasons for awards in each case, which, with the accompanying report, was referred to the Committee on Naval Affairs.

PRIVILEGES AFFECTING LANDS, ETC., UNDER NATIONAL PARK SERVICE

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a draft of proposed legislation to extend the authority of the Secretary of the Interior to grant privileges, leases, and permits affecting all lands and buildings under the jurisdiction of the National Park Service, which, with the accompanying papers, was referred to the Committee on Public Lands and Surveys.

LAWS ENACTED BY MUNICIPAL COUNCILS, VIRGIN ISLANDS

The VICE PRESIDENT laid before the Senate six letters from the Acting Secretary of the Interior, transmitting, pursuant to law, copies of laws enacted by the Municipal Council of St. Croix and the Municipal Council of St. Thomas and St. John at recent meetings, which, with the accompanying papers, were referred to the Committee on Territories and Insular Affairs.

LAWS OF HAWAIIAN LEGISLATURE, 1937

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Territory of Hawaii, transmitting, pursuant to law (through the Governor of Hawaii and the Acting Secretary of the Interior), copy of the journal of the house of representatives of said Territory, together with copies of laws passed by the Hawaiian Legislature, regular session of 1937, which, with the accompanying documents, was referred to the Committee on Territories and Insular Affairs.

CROP INSURANCE SYSTEM FOR FRUITS AND VEGETABLES

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Agriculture, relative to the establishment of a system of crop insurance for fruits and vegetables, in response to Senate Resolution 108 (submitted by Mr. PEPPER and agreed to August 16, 1937), which was referred to the Committee on Agriculture and Forestry.

AGRICULTURAL INCOME

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Federal Trade Commission, transmitting, pursuant to Public Resolutions 61 and 112, Seventy-fourth Congress, a supplemental report on agricultural income in the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry.

PROFITS ON AIR-MAIL CONTRACTS

The VICE PRESIDENT laid before the Senate five letters from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, copies of decisions by the Commission relative to profits being derived or accruing on air-mail contracts by the National Park Airways, Inc., the Inter-Island Airways, Ltd., the American Airlines, Inc., the Chicago & Southern Air Lines, Inc., and the Wyoming Air Service, Inc., which, with the accompanying copies of decisions, were referred to the Committee on Post Offices and Post Roads.

SEPTEMBER REPORT OF RECONSTRUCTION FINANCE CORPORATION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Reconstruction Finance Corporation, transmitting, pursuant to law, the report of the corporation for the month of September 1937, which, with the accompanying report, was referred to the Committee on Banking and Currency.

ECONOMIC SURVEY OF AMERICAN MERCHANT MARINE

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the United States Maritime Commission, transmitting, pursuant to law, an economic survey of the American merchant marine, which, with the accompanying report, was referred to the Committee on Commerce.

REPORT OF DISTRICT PUBLIC UTILITIES COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the chairman of the Public Utilities Commission of the District of Columbia, transmitting, pursuant to law, a report of the Commission's official proceedings and other statistical data for the year ended December 31, 1936, which, with the accompanying report, was referred to the Committee on the District of Columbia.

REPORT OF THE CONSUMERS' COUNSEL, NATIONAL BITUMINOUS COAL COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Consumers' Counsel of the National Bituminous Coal Commission, transmitting, pursuant to law, his annual report for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Oklahoma, which was referred to the Committee on Claims:

Concurrent resolution memorializing and requesting the Congress of the United States to pay Zoe A. Tilghman, the widow of William (Bill) Tilghman, on account of the killing of said William (Bill) Tilghman by Federal prohibition officer

Whereas on November 1, 1924, a Federal prohibition officer (Wylie Lynn), in company with two notorious women of ill repute and one other man, all under the influence of liquor, although Lynn was able to drive, drove through the street of a town yelling curses at the district judge and other lawful officials, and Lynn fired his gun in the street, and William (Bill) Tilghman, a commissioned peace officer, at once arrested and disarmed Lynn; and Lynn then drew a second and concealed gun and shot Tilghman dead, subsequently claiming that he (Lynn) was acting in an official capacity; and

Whereas the above facts are matter of record in the United States district court at Tulsa, Okla., on a hearing in January 1925; and

Whereas the House of Representatives of the United States, after a full investigation, reported that "the facts and circumstances point to a wanton and deliberate murder" (CONGRESSIONAL RECORD, Feb. 16, 1933), and the said House has twice passed a bill for relief of the widow of William (Bill) Tilghman (1933 and 1935) and twice more has given a favorable report from committee, but not voted upon the bill; and

Whereas Congress voted and paid to the widow of Henry Wirkula $5,000, whose husband was also killed by Federal officers while he was in the act of fleeing from the law (see Private, No. —, 72d Cong.); and

Whereas this sum was paid within 3 years after his death, and although more than 12 years has passed since the killing of officer Bill Tilghman, and in spite of the acknowledgment of the justice of the claim by the House of Representatives of the United States, nothing has been done in the way of payment to the widow of Bill Tilghman; and

Whereas the payment in the case of the man killed while fleeing from the law and withholding said payment from the widow of the man killed in upholding the law appears unjust and tends to encourage lawbreakers and radicals and to discourage good and faithful officers and to cause good citizens to lose respect for the law and is a reflection on the Government and is against public polity: Now, therefore, be it

Resolved by the Senate of the Sixteenth Legislature of the Senate of Oklahoma (the house of representatives concurring therein), That the Congress of the United States is respectfully memorialized and urged, in view of their having recognized the justice of this claim, that said Congress delay no longer in applying the remedy thereto, to give the widow of said Bill Tilghman such reparation as may be just and equitable; and

That the secretary of state is requested to send at once to the Presiding Officers of the Senate and House of Representatives of the United States certified copies of this resolution.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the executive committee of the Farmers Educational and Cooperative Union of America (Texas Division), at Munday, Tex., favoring the adoption and enactment of a domestic allotment plan providing for the establishment of a production basis on farms so that each farmer may be allotted an equitable pro rata in the American market, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution unanimously adopted by a meeting of the Kings County Consolidated Civic League, Brooklyn, N. Y., favoring the extension of home-loan mortgages to 30 years, the establishment of a 4-percent interest rate, and the halting of foreclosures, which was referred to the Committee on Banking and Currency.

He also laid before the Senate a resolution adopted by the Fifteenth General Assembly of the Brotherhood of Painters, Decorators, and Paperhangers of America, in convention assembled at Buffalo, N. Y., favoring the continuance of the W. P. A. until private industry is able to supply work for all who are unemployed, which was referred to the Committee on Education and Labor.

He also laid before the Senate petitions of sundry citizens of Philadelphia, Pa., and Gay Hill, Independence and Somerville, Tex., praying for the enactment of the so-called Rogers old-age pension bill, which were referred to the Committee on Finance.

He also laid before the Senate resolutions adopted by meetings held at the Church of the Annunciation Auditorium and the Hall of the Lithuanian Alliance of America, both in Brooklyn, N. Y., protesting against alleged intolerant and oppressive acts of the Polish Government toward Lithuanians in the Vilnius territory, and favoring intercession with Poland in the premises, which were referred to the Committee on Foreign Relations.

He also laid before the Senate a telegram in the nature of a petition from Joseph P. Kamp, vice chairman of the Constitutional Educational League, Inc., with offices at New Haven, Conn., praying that the Senate halt alleged infractions of the civil liberties of citizens in connection with the activities of certain alleged agents of the subcommittee of the Committee on Education and Labor engaged in investigating violations of free speech and rights of labor, and also make an investigation in the premises, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the House of Delegates of the American Bar Association, at Kansas City, Mo., favoring the adoption by the Senate of a rule requiring every nomination for judicial office to be referred to an appropriate committee and also providing that such committee shall in every instance afford full public hearings upon matters touching the fitness and qualifications of a nominee for judicial office, which was referred to the Committee on Rules.

He also laid before the Senate a letter in the nature of a memorial from J. H. Petty, of Yantis, Tex., remonstrating against the enactment of the wage and hour bill, which was ordered to lie on the table.

He also laid before the Senate a letter in the nature of a memorial from Mrs. E. M. Maupin, of Columbia, Mo., remonstrating against the United States engaging in foreign war, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the Common Council of the City of Hornell, N. Y., expressing gratitude for relief from floods through the adoption of flood-control measures, which was ordered to lie on the table.

He also laid before the Senate the petition of the Friends of Negro Political Freedom, of Brooklyn, N. Y., praying for the enactment of certain proposed legislation submitted by that organization to ascertain and fix the responsibility in any case for the crime of lynching and to assist in the detection and prosecution of perpetrators of such crime, which, with the accompanying papers, was ordered to lie on the table.

He also laid before the Senate resolutions adopted by the conference of the Chicago-Columbus-Indianapolis district of the Methodist Episcopal Church; the executive council of the Woman's Political Study Club of California, Los Angeles, Calif.; and a mass meeting of colored citizens held at the Pilgrim Baptist Church, Chicago, Ill., protesting against the appointment of Hugo L. Black as an Associate Justice of the Supreme Court of the United States, which were ordered to lie on the table.

Mr. COPELAND presented memorials of sundry citizens of the State of New York, remonstrating against the enactment of legislation to impose certain fair labor standards in employment and to curtail domestic agricultural production, which were referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Chamber of Commerce of Amsterdam, N. Y., protesting against any changes being made by Congress in the economic system of the country or additional taxes levied until national industry has had an opportunity for a so-called rest period, which was referred to the Committee on Education and Labor.

He also presented a memorial of employees of Gnome Bakers, Inc., of New York, N. Y., remonstrating against the enactment of legislation fixing new processing taxes on flour, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of the State of New York, remonstrating against the enactment of legislation tending in any manner to increase taxes on food, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Yonkers and vicinity, New York, remonstrating against the participation by the United States in any plan or procedure involving foreign entanglement, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Washington Heights section of the American League Against War and Fascism, of New York, N. Y., favoring amendment of the existing neutrality law so as to bar an aggressor nation from the benefit of the economic resources of the United States, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of the State of New York, praying for the enactment of House Joint Resolution 199, providing for a national referendum before war may be declared by the United States, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Madison County Pomona Grange at Canastota, the Annual Council of the Collegiate United Brethrens' Church on Staten Island, and the First Presbyterian Church of Unionville, all in the State of New York, protesting against participation by the United States in foreign war, which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Queens County Woman's Christian Temperance Union, of Jamaica, N. Y., favoring the enactment of Senate bill 153, to prohibit the trade practices known as block booking and blind selling in the motion-picture industry, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Binghamton, Waverly, and West Hampton, Long Island, all in the State of New York, praying for the enactment of the so-called Capper bill, being the bill (S. 1369) to prohibit the transportation in interstate commerce of advertisements of alcoholic beverages, and for other purposes, which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Cattaraugus and Jamestown, N. Y., praying for the enactment of the joint resolution (S. J. Res. 10) proposing an amendment to the Constitution relating to the power of the Congress to declare war, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Tioga County Pomona Grange of Newark Valley, and the West Branch Grange of West Branch, both in the State of New York, protesting against the enactment of Senate bill 2475, to provide for the establishment of fair labor standards in industry, which were ordered to lie on the table.

EXEMPTION OF FRATERNAL ORGANIZATIONS FROM PROVISIONS OF SOCIAL SECURITY ACT

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Finance resolutions received from Hon. Harvey Trumbore, grand keeper of records and seal of the Grand Lodge, Knights of Pythias, of the Domain of Pennsylvania, concerning the exemption of fraternal organizations from the provisions of the Social Security Act. Fraternal orders having schools, homes for the aged, and various benevolent enterprises are primarily charitable organizations and, in my judgment, should be consistently regarded in this way by the Government.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas an act of Congress approved on August 14, 1935 (49 Stat. 620), became effective on January 1, 1937, and is commonly known as the Social Security Act; and

Whereas this act provides for the imposition of taxes for the payment of old-age benefits and unemployment compensation; and

Whereas a ruling has been made by the Honorable D. S. Bliss, Deputy Commissioner of Internal Revenue, that the Order of Knights of Pythias is not organized and operated exclusively for religious, charitable, scientific, and literary or educational purposes, and therefore the supreme lodge, each grand lodge, and each subordinate lodge are liable for the taxes imposed under the act because the relationship of employer and employee exists between them and their respective officers; and

Whereas these forms of taxation are unjust with respect to this order in that the supreme lodge, grand lodges, and subordinate lodges do not exist for profit, and that the funds of subordinate lodges are used for the relief of their members and their families when in sickness, in want, or other disability; and

Whereas such benefits are actually paid in relief of the obligations of the Government to look after the aged, the blind, the widowed mother and her minor children, and the unemployed; and

Whereas an amendment is presently pending in the Congress of the United States to exempt fraternal organizations from the provisions of the Social Security Act: Now, therefore, be it

Resolved, That the Grand Lodge, Knights of Pythias of the Domain of Pennsylvania, does hereby approve the amendment to the Social Security Act now pending in the Congress of the United States and exempting fraternal organizations from the provisions of that act, and does hereby urge the adoption of such an amendment; and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the National House of Representatives, the 2 United States Senators from Pennsylvania, and the 34 Congressmen from the State of Pennsylvania.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GREEN:

A bill (S. 3005) to confer jurisdiction on the Court of Claims to hear and determine the claim of the A. C. Messler Co.; to the Committee on Claims.

By Mr. DAVIS:

A bill (S. 3006) for the relief of Andrew D. Slacker; to the Committee on Claims.

A bill (S. 3007) granting a pension to Florence G. Miller, widow of Capt. Edward Y. Miller; to the Committee on Pensions.

A bill (S. 3008) to amend subsection (a) of section 2 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended; to the Committee on the Judiciary.

By Mr. LOGAN:

A bill (S. 3009) granting a pension to John E. Runyon, Jr.; to the Committee on Pensions.

A bill (S. 3010) to repeal and reenact section 83 of the Judicial Code, as amended, relating to Federal court districts in the State of Kentucky; to the Committee on the Judiciary.

By Mr. RUSSELL:

A bill (S. 3011) to provide for loans to farmers for crop production and harvesting during the year 1938, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. ELLENDER:

A bill (S. 3012) to provide an adequate and balanced flow of tobacco in interstate and foreign commerce, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. THOMAS of Oklahoma:

A bill (S. 3013) for the regulation and stabilization of agricultural and commodity prices through the regulation and stabilization of the value of the dollar, pursuant to the power conferred on the Congress by paragraph 5 of section 8 of article I of the Constitution, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. SMATHERS:

A bill (S. 3014) to amend the Revenue Act of 1936 with respect to the surtax on undistributed profits; to the Committee on Finance.

By Mr. McNARY:

A bill (S. 3015) to add certain lands to the Siuslaw National Forest in the State of Oregon;

A bill (S. 3016) to provide for the acquisition of certain lands for and the addition thereof to the Deschutes National Forest, in the State of Oregon; and

A bill (S. 3017) to promote sustained-yield forest management, in order thereby (a) to stabilize communities, forest industries, employment, and taxable forest wealth; (b) to assure a continuous and ample supply of forest products; and (c) to secure the benefits of forests in regulation of water supply and stream flow, prevention of soil erosion, amelioration of climate, and preservation of wildlife; to the Committee on Agriculture and Forestry.

By Mr. COPELAND:

A bill (S. 3018) to encourage travel to and within the United States by citizens of foreign countries, and for other purposes; to the Committee on Commerce.

By Mr. LA FOLLETTE:

A joint resolution (S. J. Res. 218) proposing an amendment to the Constitution of the United States for a referendum on war; to the Committee on the Judiciary.

By Mr. LONERGAN:

A joint resolution (S. J. Res. 219) directing the President of the United States of America to proclaim October 11, 1938, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

TAX EXEMPTION OF CERTAIN HOMESTEADS

Mr. SHEPPARD. I introduce a joint resolution for reference to the Judiciary Committee, and request that it be

printed in the RECORD, together with an accompanying explanatory statement immediately following it.

The VICE PRESIDENT. Without objection, it is so ordered.

The joint resolution (S. J. Res. 220) proposing an amendment to the Constitution of the United States providing for tax exemption of certain homesteads was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The homestead of any head of a family, male or female, or of any citizen having one or more persons dependent on him or her for support, shall be exempt from taxation up to $5,000 of its value, when occupied by its owner or by his or her dependents, as a homestead; excepting only the tax required to pay State, county, and municipal, and district bonded debt applicable to such homesteads and outstanding at the date of ratification of this article.

"SEC. 2. The Congress and the States shall have power to enforce this article by appropriate legislation."

The statement presented by Mr. SHEPPARD to accompany Senate Joint Resolution 220 is as follows:

STATEMENT PRESENTED BY SENATOR SHEPPARD IN SUPPORT OF THE HOMESTEAD TAX-EXEMPTION AMENDMENT TO FEDERAL CONSTITUTION

Submission and ratification of the amendment will produce the following results:

(1) It will immediately free 80 percent of all homesteads, valued at $5,000 or less, from all taxes except the small levy required to pay off their share of State and local bonded debt outstanding when the amendment is ratified. It will make them entirely and permanently tax free when those debts are paid. The other 20 percent, homesteads valued above $5,000, will continue to be taxed, but only on values above $5,000.

(2) It will encourage many millions of families, now renters or tenants, in town and country, to begin buying and building permanent homesteads of their own. Thus it will raise standards of living and of citizenship throughout the Nation.

(3) It will in this way create a vast, immediate market for idle land; for idle labor, both skilled and unskilled; for building materials of every kind; for household and farm furniture and equipment; for everything essential to home and farm use.

(4) It will give to American women and children, and to the aged, a security hitherto denied them, by making their homes as safe from loss for taxes as their schools and their churches.

(5) It will safeguard our democratic free institutions by encouraging and enabling millions now landless, homeless, and all but hopeless of any future betterment under existing conditions, to acquire through their own industry and thrift a real and permanent stake in their own country.

(6) By gradually substituting freehold homestead ownership for migratory tenancy, it will reestablish our country as a land of permanent property owners, immune against the doctrines of social despair which have lately led other great peoples to surrender their liberties into the hands of despotic rulers.

(7) It will give us these benefits without calling for a dollar of Government aid or subsidy to anybody. Government lending agencies may cooperate with private institutions in financing the buying and building of the millions of new homesteads which this amendment will call into being. But it is believed private agencies will be able and glad to provide the loans, at low rates, upon this best of all possible security.

Starting in Texas in 1932, homestead tax exemption in varying amounts and degrees has been written into either the State constitution or the statute laws of 13 States: Texas, Florida, Louisiana, Arkansas, North Carolina, Alabama, Mississippi, Oklahoma, Iowa, Minnesota, South Dakota, Utah, and Wyoming.

Wherever in these States the issue has been submitted to a vote of the people it has won, in nearly all cases by huge majorities. In Texas, for example, despite powerful opposition from interests which feared it might mean higher taxes for them, the exemption amendment carried all of the State's 254 counties, with a Statewide majority of nearly 5 to 1, in the largest vote ever cast upon an amendment in Texas.

It is believed this new policy, so evidently desired by a great majority of the American people, should be given national scope by means of an amendment to the Federal Constitution, in order that its great benefits may be shared by the entire country as quickly as possible.

Section 2 of the amendment leaves State governments free to adjust their internal systems of taxation to the national policy of homestead exemption, as each may find necessary or expedient.

IMPOSITION OF TAXES—AMENDMENTS

Mr. ADAMS submitted two amendments intended to be proposed by him to the bill (H. R. 6215) to repeal provisions of the income tax requiring lists of compensation paid to officers and employees of corporations, which were ordered to lie on the table and to be printed.

DRAFT OF NATIONAL RESOURCES DURING WAR

Mrs. GRAVES submitted the following resolution (S. Res. 193), which was referred to the Committee on Military Affairs:

Whereas the United States and its people devoutly wish to maintain peace with all other nations and peoples; and

Whereas that devout wish is such that we will never jeopardize peace by being aggressive toward others; and

Whereas our national preparedness will tend to deter others from jeopardizing peace by being aggressive toward us; and

Whereas the elimination of every profit element from war will remove temptations thereto both from within and from without: Now, therefore, be it

Resolved, That the Committees on Military Affairs and Naval Affairs of the Senate be, and they are hereby, requested, after public hearings, to report to the Senate a bill or bills that will provide for the immediate draft by the Government when war exists or is imminent of any or all men, women, money, material, and any or all other resources of the Nation for unlimited use and service, and without profit during the time of the Nation's need.

DEATHS OCCASIONED BY USE OF ELIXIR OF SULFANILAMIDE

Mr. COPELAND. I submit a resolution which I ask unanimous consent to have immediately considered. It merely calls for information from the Department of Agriculture about a certain situation which has been found to exist throughout the country.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection the resolution (S. Res. 194) was read, considered, and agreed to, as follows:

Whereas the Nation has been startled recently by published and broadcast reports of scores of deaths of its citizens, ascribed to the administration of a drug known as elixir of sulfanilamide shipped in interstate commerce; and

Whereas such reports have caused widespread editorial comment that such tragedies can be prevented by adequate revision of the Food and Drugs Act of June 30, 1906 (U. S. C., 1934 edition, title 21, secs. 1–15): Therefore be it

Resolved, That the United States Department of Agriculture is requested to transmit to the Senate, not later than November 25, 1937, a full report of the facts concerning such deaths, together with recommendations for any needed legislation on the subject.

LEGISLATIVE REFERENCE SERVICE, LIBRARY OF CONGRESS—DR. GEORGE J. SCHULZ

Mr. SHEPPARD. Mr. President, I submit a resolution which I ask to have printed in the RECORD and referred to the Committee on the Library. It is a resolution stating it to be the sense of the Senate that Dr. George J. Schulz, recent head of the Legislative Reference Service of the Library of Congress, should be reinstated.

The resolution (S. Res. 195) was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

Whereas the Legislative Reference Service of the Library of Congress was established to fill a special and peculiar need of the Congress; and

Whereas the Legislative Reference Service has been of great value and assistance to the Congress and the Members thereof in the performance of their official duties; and

Whereas the work of the Legislative Reference Service continues to become increasingly valuable, important, and necessary to the Congress and the Members thereof; and

Whereas the efficiency of the Legislative Reference Service has been to a marked degree increased within the past 2 years under the supervision of Dr. George J. Schulz as Acting Director; and

Whereas Dr. George J. Schulz was without proper and due cause separated from the Legislative Reference Service and dismissed from all connection with the Library by the Librarian of Congress as of September 17, 1937; and

Whereas Dr. George J. Schulz is by education, experience, and temperament unusually well qualified for the work as Director of the Legislative Reference Service; and

Whereas Dr. George J. Schulz has been connected with the work of the Legislative Reference Service for 20 years; and

Whereas Dr. George J. Schulz has in the 2 years he has been Acting Director of the Legislative Reference Service given most courteous, willing, prompt, and satisfactory attention to requests for service from Members of the Congress; and

Whereas it is the belief of the Members of the Senate that the separation of Dr. George J. Schulz from the Legislative Reference Service was unwise, unjustified, and calculated seriously to impair the efficiency of that service: Now, therefore, be it

Resolved, That it is the sense of the Senate of the United States that Dr. George J. Schulz should forthwith be reinstated by the Librarian, Library of Congress, to the position and function of Director of the Legislative Reference Service, and that he should be given the title of Director of the Legislative Reference Service with the salary appropriate thereto.

Mr. NYE. Mr. President, in connection with the resolution and request of the Senator from Texas [Mr. SHEPPARD], I ask unanimous consent to have printed in the RECORD news stories appearing this morning in the Washington Post and the Washington Herald touching upon the subject covered by the resolution of the Senator from Texas.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post of November 16, 1937]

SHULZ DISMISSAL FROM LIBRARY STIRS CONGRESS—SENATOR SHEPPARD TO INTRODUCE RESOLUTION ASKING REINSTATEMENT OF OFFICIAL

Resentment of numerous Senators and Representatives over dismissal of Dr. George J. Shulz, Acting Director of the Legislative Reference Service of the Library of Congress, was displayed sharply yesterday as the special session of Congress opened.

Senator MORRIS SHEPPARD (Democrat), of Texas, said he would introduce, probably today, a resolution asking reinstatement of Dr. Shulz. It was conceded, however, that the question of reinstatement is entirely in the hands of Dr. Herbert Putnam, Librarian, who dismissed Shulz, and there was no indication of any change in attitude on the part of the Librarian. At Dr. Putnam's office it was said there would be no statement on Senator SHEPPARD's proposed resolution.

Meanwhile, there was talk in some Capitol circles of bringing about hearings on the dismissal. The Sheppard resolution is expected to be referred to the Library Committee, headed by Senator ALBEN BARKLEY, majority floor leader, of Kentucky, which might call for hearings.

TWENTY YEARS OF SERVICE

Dismissal of Dr. Shulz, after some 20 years in the Library, was ordered on September 17. Dr. Putnam since has said that Shulz had submitted an unsatisfactory report on the activities of his division. He was quoted as terming the report "insolent, abusive, and scandalous." At the Librarian's office late yesterday, however, it was said that Schulz had been serving as Acting Director of the Service, without his temporary appointment some 2 years ago ever having been confirmed. It was emphasized that while the dismissal came at the same time as "a specific incident," the two were not necessarily connected. No further comment on the controversy was forthcoming.

When word of the dismissal reached Members of Congress, not then in session, some 200 Senators and Representatives are said to have wired protests to Washington. President Roosevelt was asked to intercede but is said to have replied that Congress, by successive grants of additional authority to the Librarian, had made impossible any action to set aside the Shulz dismissal.

EXTREME STEP SUGGESTED

The extreme step of congressional abolition of the office of Librarian, with its immediate re-creation, has been suggested by some of those seeking Shulz's reinstatement, but without any apparent serious consideration.

Members of Congress and their secretaries are said to have depended greatly on the Legislative Reference Division since Dr. Shulz became its head and had made more and more use of it. One secretary said yesterday service given the offices of Congress Members by Shulz "was in marked contrast with the 'lock cases,' 'special collections,' 'rare book reserves,' and other restrictions placed on material in other portions of the Library."

Early in the New Deal an effort was made to open the Library of Congress to patronage demands of Hill officials but failed.

[From the Washington Herald of November 16, 1937]

SENATE ACTS TODAY ON SCHULZ OUSTER—SHEPPARD WILL DEMAND REINSTATEMENT OF LIBRARY OFFICIAL

Prompt action to reinstate Dr. George J. Schulz as head of the Research Bureau of the Congressional Library will be taken in the Senate today when Senator MORRIS SHEPPARD, of Texas, introduces a resolution asking that he be restored to his position.

When Dr. Schulz was dismissed last month by Dr. Herbert Putnam, Librarian of Congress, a strong protest by Congress was immediately forecast.

A large majority vote favoring Senator SHEPPARD's resolution is expected.

Senate discussion over the dismissal is also expected to explode an impression that Dr. Schulz's dismissal was brought about by a report that Dr. Putnam was to be retired on full pay so that Dr. Schulz could take his place. A bill to retire Dr. Putnam was introduced at the end of the last Congress, but it failed to pass.

TWENTY-FIVE YEARS' SERVICE

Dr. Schulz was regarded as an indispensable library official by many Members of Congress.

Over a period of 25 years he organized research so completely that any fact desired by a Member of Congress could be unearthed within a few minutes.

PREVENTION OF AND PUNISHMENT FOR LYNCHING—SPEECH BY SENATOR BORAH

[Mr. BORAH asked and obtained leave to have printed in the RECORD a speech delivered by him on August 11, 1937, at the last session of the Congress on the subject of Prevention of and Punishment for Lynching, which appears in the Appendix.]

INTERNATIONAL PEACE—ADDRESS BY THE PRESIDENT AT CHICAGO OCTOBER 5, 1937

[Mr. KING asked and obtained leave to have printed in the RECORD an address delivered by the President of the United States at Chicago, Ill., October 5, 1937, which appears in the Appendix.]

ADDRESS BY THE PRESIDENT AT OPENING OF FEDERAL RESERVE BUILDING

[Mr. WAGNER asked and obtained leave to have printed in the RECORD the address delivered by the President on the occasion of the official opening of the Federal Reserve Building on October 20, 1937, which appears in the Appendix.]

ADDRESS BY THE PRESIDENT AT BOISE, IDAHO

[Mr. POPE asked and obtained leave to have printed in the RECORD an address delivered by the President at Boise, Idaho, during his recent trip through the West, which appears in the Appendix.]

ADDRESSES DELIVERED BY THE PRESIDENT AT HAVRE AND FORT PECK, MONT.

[Mr. MURRAY asked and obtained leave to have printed in the RECORD addresses recently delivered by the President at Havre and Fort Peck, Mont., which appear in the Appendix.]

ADDRESSES BY THE PRESIDENT AT CLEVELAND AND TOLEDO, OHIO, OCTOBER 5, 1937

[Mr. BULKLEY asked and obtained leave to have printed in the RECORD a radio address delivered by the President at Cleveland, Ohio, under the auspices of the New York Herald Tribune Forum of Current Events, and also extemporaneous remarks made by the President at Toledo, Ohio, on October 5, 1937, which appear in the Appendix.]

ADDRESSES BY THE PRESIDENT ON WESTERN TRIP

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD several short addresses of the President delivered on the occasion of his recent western trip, which appear in the Appendix.]

ADDRESS BY THE PRESIDENT—ONE HUNDRED AND FIFTIETH ANNIVERSARY OF SIGNING OF CONSTITUTION

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by the President of the United States on the one hundred and fiftieth anniversary of the signing of the Constitution, which appears in the Appendix.]

ADDRESS BY THE PRESIDENT AT MARSHALLTOWN, IOWA, SEPTEMBER 23, 1937

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD an address delivered by the President at Marshalltown, Iowa, September 23, 1937, which appears in the Appendix.]

ADDRESS BY THE PRESIDENT AT SPOKANE, WASH., OCTOBER 2, 1937

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD an address delivered by the President at Spokane, Wash., October 2, 1937, which appears in the Appendix.]

EXPENDITURES OF THE FEDERAL GOVERNMENT—ADDRESS BY SENATOR BYRD

[Mr. GLASS asked and obtained leave to have printed in the RECORD an address delivered by Senator BYRD before the Academy of Political Science, New York City, Wednes-

day, November 10, 1937, on the subject of expenditures of the Federal Government, which appears in the Appendix.]

ADDRESS BY SENATOR CHAVEZ BEFORE NEW MEXICO STATE BAR ASSOCIATION, OCTOBER 8, 1937

[Mr. HATCH asked and obtained leave to have printed in the RECORD an address delivered by Senator CHAVEZ before the New Mexico State Bar Association at Santa Fe, N. Mex., on October 8, 1937, which appears in the Appendix.]

ADMINISTRATION AND ITS JUDICIAL CONTROL—ADDRESS BY SENATOR LOGAN

[Mr. CONNALLY asked and obtained leave to have printed in the RECORD an address delivered by Senator LOGAN, September 28, 1937, before the American Bar Association, at Kansas City, Mo., on the subject of Administration and Its Judicial Control, which appears in the Appendix.]

OUR CONSTITUTION—ADDRESS BY SENATOR DAVIS

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an address delivered by him at Reading, Pa., September 17, 1937, on the subject of Our Constitution, which appears in the Appendix.]

RECIPROCAL TRADE AGREEMENTS AND AGRICULTURE—ARTICLE BY SENATOR CAPPER

[Mr. BORAH asked and obtained leave to have printed in the RECORD an article entitled "Good Old Neighbor Sam," written by Senator CAPPER and published in the Saturday Evening Post of November 13, 1937, which appears in the Appendix.]

ADDRESS BY HON. JAMES A. FARLEY AT LOS ANGELES, CALIF.

[Mr. MCADOO asked and obtained leave to have printed in the RECORD an address delivered by Hon. James A. Farley, chairman of the Democratic National Committee, at a dinner and reception of Democrats of California, at the Biltmore Hotel, Los Angeles, Calif., on October 21, 1937, which appears in the Appendix.]

MONETARY POLICY—LETTER FROM COMMITTEE FOR THE NATION

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD a letter addressed by the Committee for the Nation to the President on the subject of monetary policies, which appears in the Appendix.]

THE POLL ON LYNCHING—EDITORIAL FROM WASHINGTON POST

[Mr. ANDREWS asked and obtained leave to have printed in the RECORD an editorial entitled "The Poll on Lynching," published in the Washington Post of Tuesday, November 16, 1937, which appears in the Appendix.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. ROBERT P. HILL, late a Representative from the State of Oklahoma, and transmitted the resolutions of the House thereon.

IMPORT DUTIES ON TEXTILES

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Chief Clerk read the resolution (S. Res. 177) submitted by Mr. STEIWER August 16, 1937, as follows:

Resolved, That the United States Tariff Commission is requested to transmit to the Senate not later than January 15, 1938, its recommendations with respect to the desirability of fixing the import duties on textiles on a basis of specific rates, subject to the limitations of existing ad valorem rates, for the purpose of providing a more nearly equal competitive basis between countries having high costs of production and countries having low costs of production, in exporting textiles to the United States.

Mr. MCNARY. Mr. President, in the absence of my colleague [Mr. STEIWER], who will return to the Senate on Thursday, I ask that the resolution go over without prejudice.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon?

REORGANIZATION OF THE EXECUTIVE DEPARTMENT

Mr. BYRNES. Mr. President, reserving the right to object to the resolution going over, I wish first to make a statement. I know that at the conclusion of the morning business it will be in order for any Member of the Senate to move to take up a bill. It is my purpose to move at that time to take up the bill (S. 2970) proposing the reorganization of the executive department of the Government. I know, however, when I rise at that time the Vice President will not be able to see me or to hear me and, distasteful as it is, this knowledge forces me to make a statement at this time, if I am to make a statement at all, before a vote is had upon the motion which will then be made.

My experience teaches me that a certain Member of the Senate will be recognized to make a motion to take up a bill, which motion will not be debatable. Because that is true and before the Senate votes upon that motion I want the Senate to know my attitude with reference to the motion.

The President of the United States has called the Congress into special session for the specific purposes set forth in his message to the Congress on yesterday. He set forth first the necessity for farm legislation. He referred to the reorganization bill. He also referred to the national planning program in his message. The President said this subject had been discussed for months and that he hoped it might be acted upon by the Congress at this time. He concluded his message to the Congress with the request that "for the sake of the Nation"—for the sake of the Nation, mind you—"I hope for your early action."

One of the bills referred to by the President, for the consideration of which he has asked the Congress, is the reorganization bill. This bill was reported at the last session. I am ready and anxious to move to take up that bill and comply with the request of the President "for the sake of the Nation." I know there is some doubt whether I will be able to do it. There is no doubt but that I will not be able to make the motion. Whether the President's request can be complied with will depend upon the action of the Senate upon a motion which will be made to take up the antilynching bill.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. BYRNES. I yield.

Mr. BANKHEAD. Is not that motion debatable?

Mr. BYRNES. It is not debatable.

Mr. BANKHEAD. We debated it for a week during the last session.

Mr. BYRNES. The Parliamentarian of the Senate advises me that until 2 o'clock the motion is not debatable, so when the motion is made there will be no opportunity for anyone to voice the plea of the President of the United States for action upon the matters set forth in his message. Consequently I want at this time to voice this plea to the Senate.

Mr. BANKHEAD. Does the Senator mean that if the motion shall be made before 2 o'clock it will not be debatable, but if made after 2 o'clock it will then be debatable indefinitely?

Mr. BYRNES. That is the information I have from the Parliamentarian. It is his interpretation of the rule of the Senate, and I have not any doubt that that will be the decision of the Chair.

Mr. KING. Mr. President, will the Senator yield?

Mr. BYRNES. Yes.

Mr. KING. The Senator has the floor, and he has a vast amount of information to submit relative to the bill to which he is referring. May he not occupy the floor until 2 o'clock? I suggest that course to him in the interest of proper procedure.

Mr. BYRNES. I had no such intention. My intention was to advise the Senate of the situation; and the inquiries of the Senator from Alabama and of the Senator from Utah confirm my judgment that the Senate should at least be advised of the situation.

Mr. CONNALLY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from South Carolina yield for a question to the Senator from Texas?

Mr. BYRNES. I yield to the Senator.

Mr. CONNALLY. Is the Senator aware that at the last session the Senate and the House passed a joint resolution, which was signed by the President, making the farm bill the first business this session of Congress would consider? The joint resolution appears in the CONGRESSIONAL RECORD on page 8835, and the bill to which it refers is on the President's program, while I understand that the antilynching bill is not on the program. Nothing was said about it in the President's message.

Does the Senator mean to say that there are those here in the Senate who, without consulting those who are opposed to the antilynching bill, but consulting only those who are politically interested in getting it through, have framed up that they will call up the bill at a time when we cannot debate it? Is that the implication?

Mr. CLARK. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK. The point of order is that there is no business before the Senate.

The VICE PRESIDENT. There is before the Senate a resolution coming over from a previous day, and it is debatable until 2 o'clock.

Let the Chair state the parliamentary situation. There is before the Senate a resolution coming over from a previous day. That resolution, like any other measure before the Senate, is debatable. If the debate lasts until 2 o'clock, the resolution then will be laid aside. Then the Senate may take up such business as it sees fit to take up.

Mr. BARKLEY. Mr. President, it may be stated that the resolution is not now before the Senate. The Senator from Oregon [Mr. MCNARY] asked unanimous consent that it go over without prejudice.

The VICE PRESIDENT. And the Senator from South Carolina [Mr. BYRNES] objected.

Mr. BARKLEY. And, reserving the right to object, the Senator from South Carolina has the floor and may occupy the floor as long as he pleases.

The VICE PRESIDENT. When the Senator from South Carolina shall yield the floor, it will be the duty of the Chair then to ask, "Is there objection to the request of the Senator from Oregon?" Of course, any other Senator may take the same position as the Senator from South Carolina.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will stake it.

Mr. CONNALLY. The resolution is now pending?

The VICE PRESIDENT. It is before the Senate as a resolution coming over from a previous day.

Mr. CONNALLY. It is pending, and the request is that it go over?

The VICE PRESIDENT. The Senator is correct.

Mr. CONNALLY. If objection shall be made to the resolution, it will not go over and will remain pending before the Senate and be debatable? That is correct?

The VICE PRESIDENT. The Senator correctly states the parliamentary situation.

Mr. BYRNES. Mr. President, in order to relieve the minds of Members of the Senate, I object to the request of the Senator from Oregon.

The VICE PRESIDENT. Does the Senator desire to retain the floor?

Mr. BYRNES. I retain the floor, Mr. President.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HARRISON. Since the Senator from South Carolina now has the floor, is it not within his power to make a motion to bring up the reorganization bill, and will not the Chair recognize him?

The VICE PRESIDENT. The Chair will not. The morning business has not yet been concluded. When the morning business shall have been concluded the Chair will look over the Senate and see who he thinks ought to be recognized. [Laughter.]

Mr. BYRNES. Mr. President, there are many times when the Vice President can see me, and there is no time when he desires to see me that he can fail to see me; but I have some fear that at the conclusion of the morning business he will be unable to see me. [Laughter.] That is responsible for my objecting to the request of my good friend the Senator from Oregon.

But, Mr. President, let me return to my statement, and say with sincerity—and I am sure no Member of the Senate will doubt the sincerity of my statement—that in seeking to call up the reorganization bill and in stating, even before the Senate convened, that when the Congress was called into extra session by the President to consider this and other measures I should be ready to call up this bill, I never once thought of the antilynching bill.

In the Senate during the concluding days of the last session, a unanimous-consent agreement was entered into under which the antilynching bill was made a special order. The language of the order appears on the first page of the calendar. I call your attention to it. It reads as follows:

Ordered, That the bill H. R. 1507, the so-called antilynching bill, be made the special order of business for consideration immediately following the disposition of the bill to be reported at the beginning of the next session of Congress by the Committee on Agriculture and Forestry, pursuant to Senate Resolution 158, relative to farm legislation, and said bill, H. R. 1507, shall thereby become and remain the unfinished business until the same is disposed of.

Under the language of that special order, if I can construe language at all, at the conclusion of the consideration of the farm bill the antilynching bill will automatically become the business of the Senate, and must remain the business of the Senate until it shall be disposed of.

Mr. LEWIS. Mr. President, will the Senator from South Carolina yield to me?

Mr. BYRNES. I yield to the Senator from Illinois.

Mr. LEWIS. May I ask the able Senator from South Carolina to state what he understands to be the present parliamentary status of what he calls the reorganization bill?

Mr. BYRNES. Mr. President, the bill is in the situation of any other bill reported by a committee and on the calendar. At the conclusion of the morning business it will be in order to call up any bill on the calendar. Inasmuch as the farm bill has not been completed by the Agricultural Committee of the Senate, it was my thought that until the bill should be reported to the Senate we might proceed with the reorganization bill. It would be my hope to dispose of it within a short time. The House has passed two of the bills referring to subjects contained in the reorganization bill. It has two more. If the Senate could act upon the bill pending on the Senate Calendar, which contains provisions as to all four of the House bills, the result would be that the reorganization bill would go to conference, and in conference the differences between the Houses could be ironed out while the Senate was working upon the agricultural bill, so that at this special session we could have some hope of doing what the President called the Congress into session for—acting upon the measures outlined by him in his message, namely, wages and hours, farm legislation, reorganization, and national planning.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BYRNES. I yield to the Senator from Missouri.

Mr. CLARK. The Senator from South Carolina has, of course, correctly read the special order with regard to the antilynching bill; but will not the Senator from South Carolina admit that the whole theory and avowed purpose of the adoption of the special order in the form in which it was adopted by the Senate at the last session was a recognition of the fact that the farm legislation should be given precedence, which was already the declared policy of the Senate, and the theory of the special order was that no bill except the agricultural bill should be given precedence over the antilynching bill?

I am perfectly aware that the resolution with regard to farm legislation pledged the Senate to proceed to the consideration of the agricultural bill not less than a week after

the beginning of the next session of Congress and that the subsequent special order was agreed to in contemplation of that resolution; but I believe it was universally understood in the Senate, and I challenge successful contradiction of that statement, that the purpose of the special order with regard to the antilynching bill was that it was not entitled to take precedence over the agricultural bill, but that no other bill should take precedence over it.

Mr. BYRNES. Mr. President, I, of course, intended to proceed to the discussion of that question. I have read the special order which appears on the calendar. It provides that the antilynching bill shall become the unfinished business of the Senate immediately following the disposition of the farm legislation referred to in Senate Resolution 158. In order to know the situation, let us look at Senate Resolution 158. The special order was adopted after the Senate had adopted Senate Resolution 158, which resolution provides:

> The Committee on Agriculture and Forestry * * * shall report to the Senate, within 1 week from the beginning of the next session of Congress, the result of its investigations.

Therefore I will say to the Senator from Missouri that I know nothing about any conference. I know the record which is written here. That record is that the Senate agreed to take up the antilynching bill at the conclusion of the consideration of the farm legislation referred to in this resolution, which resolution said it should be taken up within 1 week after the convening of the Congress. Did that resolution contemplate that we should sit here and do nothing for 1 week? Every Senator who agreed to that resolution agreed to it with the understanding that the farm bill was to be reported within a week after the convening of Congress, and that the antilynching bill was to follow it. No man thought that for one whole week the Senate would sit idly by and fail to consider any business upon the calendar.

Are we going to take the position today that the Senate of the United States can do nothing at all, that it cannot consider a single bill upon the calendar, merely because it was agreed that the antilynching bill should follow the agricultural bill? Are we to believe that according to the spirit of the agreement, if the agricultural bill was not ready, that other bills should not be supplanted? The special order was agreed to with the expectation that the agricultural bill would not be ready for a week, and language to that effect was purposely put into the resolution.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. McNARY. Will the Senator specify the date of the resolution?

Mr. BYRNES. The date of the adoption of the resolution?

Mr. McNARY. What is the date of the resolution the Senator has read?

Mr. BYRNES. August 10. It was reported on the legislative day of August 9. The calendar I have in my hand does not show the date of the adoption of the resolution.

Mr. McNARY. Will the Senator permit me to offer a later document at this time?

Mr. BYRNES. I shall be delighted to have the Senator do so.

Mr. McNARY. On the 24th day of August 1937 the President approved a joint resolution passed by the House and the Senate, which read as follows:

> *Resolved, etc.*, That abundant production of farm products should be a blessing and not a curse, that therefore legislation carrying out the foregoing principles will be first to engage the attention of the Congress upon its reconvening, and that it is the sense of the Congress that a permanent farm program based upon these principles should be enacted as soon as possible after Congress reconvenes.

The language is explicit, that the action shall be taken as soon as possible after Congress shall convene, and it supplements the limitation set forth in the resolution the Senator has read, which was adopted on an earlier date in August and which referred to a period of 1 week.

Further than that, Mr. President, it is evident from the reading of the resolution from the RECORD that it was the intention to give precedence to the antilynching bill. No other bill is mentioned, save the farm bill, and if that should not be ready, because it would not be possible to report it, automatically the antilynching bill was to come before the Senate.

This morning I thought I would have an opportunity to raise a point of order. If a motion had been made to take up the bill the Senator from South Carolina is now discussing, the reorganization bill, I should have made the point of order that his motion was out of order on account of the statutory declaration I have just read.

Mr. BYRNES. Mr. President, if that point were made, the Senator from South Carolina would be glad to discuss it. I should like to have the attention of the Senator from Oregon a moment. Of course, if the Senator is receiving congratulations upon his statement, I am not disposed to interrupt, but I wish to give him further information. [Laughter.] If the Senator has now been congratulated, I wish to convey to him some further information which might influence his judgment as to the agreement reached in the Senate.

Mr. BARKLEY. Mr. President, if the Senator will yield, I should like to ask him a question. Did the Senator think I was congratulating the Senator from Oregon?

Mr. BYRNES. I hoped not, but it looked like it.

Mr. BARKLEY. I was telling him that his point of order would not have been well taken. [Laughter.]

Mr. BYRNES. My good opinion of the Senator from Kentucky is strengthened every day. [Laughter.] I may judge, then, that the laughter on the part of the Senator from Oregon was simply an indication of a realization on his part of the correctness of the statement of the Senator from Kentucky.

The Senator from Oregon knows that I have been discussing the agreement of the Senate whereby the Senate had adopted a resolution which provided that the agricultural bill should be taken up within a week after the beginning of the session. The Senator from Oregon produces a joint resolution which provides that it shall be taken up earlier. But on what date was the joint resolution passed? If the Senator will look at the joint resolution he will see that it was not approved until August 24, long after the Senate had agreed to have the antilynching bill follow the farm bill. Therefore, on August 12 no one could have had in contemplation that on August 24 a joint resolution would be approved providing that the farm bill should be taken up at the earliest possible moment.

This body acted with the idea that the farm bill would be taken up not later than a week after Congress convened, and it is to my mind inconceivable that any Member of the Senate thinks that the Senate should sit idly by during this week.

I had begun to say, when I read the special order, that there was no Member of the Senate who did not know that under the rules of the Senate the antilynching bill could not be displaced as the unfinished business of the Senate after the passage of the farm bill. I challenge anyone to question that statement. It has to be considered. Under the language of the order it will have to remain before the Senate until it is disposed of. It is a special order. There is no question of doubt there. There is the absolute certainty that that bill is going to be considered, and considered immediately, following the disposition of the farm bill. Then why should there be objection to taking up the President's program when he has asked for it? I say now, and have said in private to the majority leader of this body, that while the President set forth four subjects in his message to the Congress yesterday, wage and hour legislation, farm legislation, reorganization, and planning, it was intended by the Congress that farm legislation should be considered at the earliest possible moment.

I would agree, if reorganization should be taken up, that if the consideration of the measure was not completed upon the floor of the Senate at the time when the Committee on Agriculture and Forestry of the Senate was ready to report a farm bill, the reorganization bill should be set aside

temporarily until we had an opportunity to consider the farm bill and made progress toward getting it into conference.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. SCHWELLENBACH. I should like to ask the Senator, assuming a motion should be made to make the antilynching bill the order of business today, and the motion should be agreed to, and a discussion of the antilynching bill should proceed for this week and into next week, and on next Monday, say, the Committee on Agriculture were ready to report the farm bill, would it take unanimous consent to set aside the antilynching bill, or would a motion be sufficient to set that bill aside?

Mr. BYRNES. If a Senator were recognized for that purpose, according to my understanding, a motion would be sufficient; but it would have about as much chance of being adopted as my motion today would have, unless some Senators vote differently from the way they talk to me.

Mr. CONNALLY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. BYRNES. I yield.

Mr. CONNALLY. Does the Senator apprehend that these gentlemen who are so anxious to take up the antilynching bill would under any circumstances vote to lay it aside, even to take up the Ten Commandments?

Mr. BYRNES. I believe in being tolerant, and I do not indulge in criticism of anyone, but I know that if their number is great enough and they are sufficiently insistent on setting aside one of the four measures of the President in a session called by him to consider those four measures, if this antilynching bill were considered for merely a week or so, certainly they would not agree and the Senate would not vote to set it aside for another one of the measures.

I submit to the Senate that I had no theory and no hope in making my suggestion except one thing, and that was to facilitate business. I was not in favor of an extra session. When Congress adjourned in August I was opposed to it. The farm situation as it developed during the summer did cause me to believe that the President might be right in calling Congress into session. But I wondered, when the Congress was called into extra session, whether it would sit by until December 22 or 23 and adjourn without doing a single thing. What is the situation in the other body? There is talk about a wage and hour bill—in which I am not particularly interested—being sent back to a committee, and there is also talk about revision.

What of the reorganization bill? Take up the antilynching bill, take up the farm bill, and at the conclusion of the consideration of the farm bill proceed to the consideration of other business, and the reorganization bill certainly will not be passed at the extra session. There may not be any wage and hour legislation. I hope a farm bill will be passed, and if Congress does pass one, it will be the sum total of everything that Congress will do between now and adjournment.

On the other hand, if we proceed in an orderly and logical way and in accordance with the agreement reached in the Senate, we can dispose of the reorganization bill and it will go to conference in a week or 10 days, where it can be considered while the farm legislation is before us. The reorganization legislation would then be out of the way for the time being. Then the farm legislation would go to conference, and that would be out of the way. Then the wage and hour bill, if it gets out of committee, could go to conference, and that would be out of the way. I well know that that is not going to happen. Nevertheless, I wish to express my views about the procedure as it is taken up.

I think the Senate ought to know something about the reorganization bill. I have no criticism at this time of the Senators who wish to have the antilynching bill taken up. I know their views. They believe it is the spirit of the agreement that the farm legislation should be considered first and the antilynching bill second; and if it shall develop now that farm legislation cannot first be considered, they think the antilynching bill ought to be substituted as the first legislation to be considered, even though a special session was not in contemplation at the time the special order was made.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BYRNES. I yield to the Senator from Missouri.

Mr. CLARK. The Senator from South Carolina will recall that the particular and specific point was made on the floor that the special order was to apply either to a regular session or a special session of the Congress. There was no misunderstanding whatever in the minds of the parties to the agreement at that time.

I think it was specifically understood that the proponents of the antilynching bill in the last session would not have given up the advantage they had won except upon the distinct agreement that no other business should precede the antilynching bill at the next session of the Congress, whether that session was a special session or a regular session; and at that time it was in the contemplation of all of us that there might be an extra session.

Mr. BYRNES. Mr. President, I disagree with my good friend from Missouri only as to the last statement he made. I agree with the Senator from Missouri that at the time there was an understanding that if an extra session should be held the agreement would apply to the extra session.

There is no question about the truth of the Senator's statement that the agreement would apply to either an extra or a regular session. The understanding of the Senator from Missouri may have been different from mine. My understanding was based upon information obtained from the leader of the majority in this body. His best judgment was that there would be no extra session, and I accepted his judgment. The Senator from Missouri may not have known of that.

Mr. CLARK. Does not the Senator state what was the hope of the Senator rather than the fact concerning an extra session?

Mr. BYRNES. It was more than a hope. My understanding was based on information received from the leader of the Democratic Party in the Senate at that time. He made the statement to which I have just referred; so I based my understanding on more than a hope. I will say that it was not known at that time that an extra session would be called.

Mr. President, I think this is a good time for me to make a statement concerning the reorganization bill. I am satisfied that if that bill could be considered, after a thorough reading of the bill and the report of the committee, by the Members of this body there would be an entirely different conception of that measure. Wherever I have found opposition to it, that opposition has been based upon the fact that the opponent read a report of a committee appointed by the President and believed that the bill carries out every one of the proposals contained in the so-called President's committee's report, also the opponent may be some individual who is opposed to any perfection of the executive machinery of the Government.

Let me first say that the committee considering this bill did have before it a report of the President's committee. That committee was composed of some very excellent gentlemen, some of whom were unusually well informed. They made many valuable suggestions. The bill that is presented to the Senate, however, was drawn by our former leader, our revered friend, the late Senator from Arkansas, Mr. Robinson, assisted by some of us who were on the committee, and with no expert assistance except the legislative draftsmen of the United States Senate and the clerk of the reorganization committee. The President's committee did not know what was in this bill until it was reported to the Senate.

Mr. President, I have great sympathy for the viewpoint of the Member of the House or the Senate who believes that we may possibly be giving too much power to the Executive to reorganize the executive departments of the Government.

Inherently we always have that fear. But before any Member of the Senate reaches the conclusion that in this bill we have given too much power to the President to reorganize the executive departments of the Government, I think it only fair that the Senate should recall all of the former efforts on the part of the Congress of the United States to reorganize the executive departments. The question has not been a partisan question. At least in the past it has not been a partisan question. For more than 50 years commissions have made recommendations that in the interest of efficiency and in the interest of economy there should be a reorganization. During Republican administrations we had commissions that undertook to consider the necessity of such reorganization, and those commissions submitted reports to the Senate. Whenever those reports have been considered they have been referred to some committee, but no action has been taken by any committee. It was not until 1932, during the administration of Mr. Hoover, that the House passed an amendment to the legislative appropriation bill giving to the President the power to reorganize the executive departments of our Government.

Mr. BURKE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Nebraska?

Mr. BYRNES. I yield.

Mr. BURKE. Did the act to which the Senator from South Carolina just referred abolish the office or tend to limit the power of the Comptroller General of the United States?

Mr. BYRNES. Specifically, no. It gave to the President the power to abolish any function or transfer any function. It even went so far as to say "departments." Viewing it today, it went too far, in my opinion. However, I will say that, as I recall, the measure was adopted in this body without even a record vote.

Mr. BURKE. Mr. President, will the Senator further yield?

Mr. BYRNES. I yield.

Mr. BURKE. However, the measure made no reference to the abolishment of the office of Comptroller General as it has existed during the past 15 years?

Mr. BYRNES. Only insofar as it gave the President power to transfer or abolish. Therefore, he did have it.

Mr. BURKE. The present bill does change very materially, in fact completely, the office of Comptroller General; does it not?

Mr. BYRNES. It does. Mr. President, if the Senator from Nebraska will do me the honor of listening to my statement of the reasons of the committee for doing what was done, I will say that if no other Senator in this body agrees to it the Senator from Nebraska is going to agree to it, because of his reverence for the Constitution of the United States and the United States Supreme Court.

Mr. BURKE. Mr. President, will the Senator further yield?

Mr. BYRNES. I yield.

Mr. BURKE. I wish to say that the Senator from South Carolina will have a very difficult task in convincing me that that part of the bill is correct. I feel very strongly about it. My attitude in regard to the whole bill is affected by the realization that one bad apple spoils the whole barrel of apples. When the opportunity comes I hope the Senator will be very explicit in his statement of the reasons why we must make this change in reference to the office of Comptroller General.

Mr. BYRNES. Mr. President, because I know the Senator from Nebraska and the open mind that he retains upon questions, and because of my certainty that he has not had the opportunity to study this question, I feel sure that when he does he will approve of that particular section if he does not approve of any other section of the bill.

Even though I am digressing from what I intended to say, let me now make this statement: If there is anything for which the Senator from Nebraska has expressed a great reverence it is the Constitution of the United States. I think he has made as many speeches and as good speeches as anyone in this Chamber has made upon that subject. I ask the Senator to read the decision of the United States Supreme Court in the case of *Springer* v. *Philippine Islands* (277 U. S. 189) as to the powers of the legislative branch of the Government and then tell me whether the legislative branch of the Government has the power to go into an executive office of the Government and determine a policy or settle bills or do any other act of government which is purely executive in nature.

The legislative branch of this Government may enact laws. It may make appropriations. When we have made those appropriations, then under the Constitution it becomes the duty of the President of the United States faithfully to perform the duty of administering the laws enacted by the Congress. He has no business to interfere with the decisions here in the legislative branch of the Government.

The Congress has no right to send an agent of the Appropriations Committee, or an agent called the Comptroller General, into the Department of Agriculture or any other department of the Government to say, "You may buy this furniture" and "You may not buy that furniture." "You may pay so much money, but you may not pay so much money." Whenever he does it, he becomes an executive employee of the United States, but yet he is called a legislative agent of the Government. He has got to be an executive or a legislative officer. He cannot be both at the same time.

Mr. President, the reorganization bill seeks to do one thing that I think is manifestly right. It seeks to give back to the executive branch of the Government the executive functions of current control now exercised by the Comptroller General, a so-called legislative officer.

Then it gives to the Congress of the United States a representative who is to be called the auditor general, whose duty it will be to investigate the books and accounts and the conduct of the executive departments, just as certified public accountants today audit the books of private corporations. This investigation is a legislative function and will be performed by a legislative officer.

The agent of the Congress will go into the offices of the executive departments representing the Congress of the United States.

I intend to propose an amendment to the measure providing that the auditor general, instead of being appointed by the President, shall be appointed by a joint committee of the Congress. Then he will be our representative in spirit and in fact. The auditing that has been done in the past by the Comptroller General I want to have done by the auditor general as our agent.

Whereas for 15 years there has been no report by the Comptroller General to the Congress of the United States, except the one annual report, the auditor general will report every time there is a question as to any settlement in any department of the Government; that question will be submitted to a joint committee of the Senate and the House, which may then call before it the representative of the executive department and demand an accounting. If the accounting is not satisfactory, we may, if necessary, repeal by joint resolution the appropriation of funds for that department. We can see to it that such a transaction is not repeated, and, if there is any criminal act involved, send notice of it to the Attorney General. It is proposed to let the auditor general, a representative of the legislative branch of the Government, investigate and see if there is an improper settlement. Then, after investigation, he is to report back to the Congress those things that have happened during the year, so that the Appropriations Committees may take appropriate action.

Mr. BURKE. Mr. President, will the Senator yield at that point?

Mr. BYRNES. Yes.

Mr. BURKE. As I understand the Senator's position, it is that the proposed auditor general will examine the settlements made after they are completed and the money paid out and may report to Congress that something wrong was

done, instead of pursuing the present system under which the Congress has set up its agent to see to it that the legislative will is carried out and no money is expended except in accordance with the legislative will. The question I want to ask is this——

Mr. BYRNES. The Senator has asked one question.

Mr. BURKE. Very well; let this be No. 2.

Mr. BYRNES. Let me answer the first one.

Mr. BURKE. The Senator may answer them both together.

Mr. BYRNES. Very well.

Mr. BURKE. Does the Senator recognize that there are limitations on the power of Congress to see that the legislative will in reference to the spending of money shall be carried out?

Mr. BYRNES. That there are limitations?

Mr. BURKE. That there are limitations on our power. The Senator says that we have no right to tell the Comptroller General as our agent to see that no money shall be spent except in accordance with the legislative act; that we have a right to an audit afterward and may slap somebody on the wrist if he has made a wrong settlement or something of that kind; but no right to prevent the spending of money except in accordance with the legislative act.

Mr. BYRNES. As a matter of fact, I go the whole way, and I say—yes. I should like anyone to show me any constitutional authority for the clerk of the Appropriations Committee to stop a paymaster of the Army or Navy or anybody else from paying money which has once been turned over to him for expenditure. I ask the Senator, who is better equipped than anyone else to do so, to consider that question. I do not think there is the slightest doubt on that point, and if the Senator will read the Springer case, which I have just cited, he will certainly see that the Supreme Court has said we have not the power. There is also the case of *People* v. *Tremaine* (252 N. Y. 27), which aptly illustrates the point. I come now to the first question of the Senator's.

The Comptroller General may settle a claim involving a Government department. He has that power given to him under the law. There is no criticism of him here as an individual, as the law gives him the power to settle claims against a department. To illustrate: A man having a claim against the Navy Department can have the Comptroller General, supposedly an agent of the Congress, settle that claim. The result is this: If it be said that he is a legislative agent, manifestly he has no business settling a claim against any department of this Government as this is an executive function. To do so would be an usurpation of executive power. But suppose it be said that he is an executive agent. If he be an executive agent, then he is not removable under the law by action of Congress under the doctrine of *Myers* v. *United States* (272 U. S. 52).

Suppose you admit the Comptroller General is an executive officer in the settlement of claims. Who audits these claims settled by the Comptroller General? Nobody on the face of the earth audits the claim settled by the Comptroller General, unless it be said he audits them himself. It is said that we have the power to determine the correctness of his action. Then, if that be true, he could settle a hundred percent of the claims against the Government and there would be absolutely no independent audit of the action of the man who determined the settlement of such claims or a report of such audit to the Congress. Would any business give to one man the power to make a settlement, and then audit the settlement himself? The answer is no, for it would not be good business. Neither is it good government.

I know, also, that the Senator from Nebraska will be interested to know the facts. He says that now 90 percent of the claims or that all claims are audited before settlement; and I know that the Senator was perfectly sincere in that statement; he has been so informed. But what are the facts? The facts are that 90 percent of them are never examined until after settlement. There is no question about that; that will be agreed to.

As a matter of fact I admit that the Comptroller was not to blame for many of the things charged to him, because the Budget and Control Act of 1921 did not deal specifically with many situations that confronted him. However, this practice of settlement without independent audit grew up as practices grow up in Government, and the time has now come for us to reexamine the situation in the light of these practices.

To illustrate the practice just mentioned: Suppose, for instance, an agent of the Department of Agriculture going over and asking one of the officers of the Comptroller General's department, "How about settling for this amount; would you approve this?" And the Comptroller says, "Yes;" and when the Comptroller says "yes" he determines it; it is the settlement of that claim in the Department of Agriculture; and when he determines, no matter how wrong he may be, who will ever know it? Is there any audit? The only man, then, who settles it is without any audit, as he is supposed to audit it himself. Would any business permit that? When a business house wants their books audited, whether it be the United States Steel Corporation or the General Motors Corporation, they have certified public accountants come from the outside. They come in, they demand the turning over of the books, they check over the transactions. Then they give to the board of directors a report saying, "We have examined them, and they are in order with the exception of this and that." If we are going to turn over to one man this power, appoint him for 15 years, and continue things as they now are, then we will not have the power to say what shall be done. We will write an end to all checks in government. I would rather go back to the Constitution and say the Chief Executive shall have the power to name as an independent appointee, confirmed by the Senate, the official proposed by this bill. Under the terms of this bill such official or his agents would immediately, as vouchers are presented to him in the field, approve them for payment, and the minute he approves them he must submit them to the auditor general, who is the agent of Congress conducting an independent audit and who is appointed by the Congress. It will be provided in the bill that the settlements shall be transmitted daily to a representative of the auditor general, and that this representative shall be in or near the same building as the disbursing officer of the Treasury Department.

Then, representing the Congress of the United States, being the same as an outside accountant employed by the board of directors of a corporation, he may say, "I will check that account; if it is wrong, I will immediately advise the Treasury that exception is taken to it, and I will immediately send a copy to the Joint Committee on Accounts of the Congress and advise that the official in the Department of Agriculture, for instance, has exceeded his authority and has paid the money not in accordance with the law." The officer of the executive department concerned will know that the action of a subordinate has been called to the attention of the Congress and to his attention, and that he has got to account for it. He can demand an accounting. If it is wrong, he can see that it does not occur again. He knows, if he does not, it will be exposed in a hearing in a committee of the Congress and that the public will have an opportunity to judge of the competency and ability of the party so performing his duty.

Now when we speak of recovering money, of course, the situation is going to be exactly the same hereafter as it is now, because when there is now paid to a soldier a check for an amount in excess of that which should be paid the soldier has no assets against which recovery could be made, and if there is a mistake, the money cannot be recovered. It is not recovered now in such instances.

Questions have been submitted about the payment of W. P. A. employees. That happened when we had the C. W. A., because they could not wait to send a voucher up to the Comptroller General and ask whether he would approve the payment of $6.95 to somebody working upon the

roads. They submitted a statement contemplating that the man would work for the entire week, whereas he worked but 4 days of the week. Therefore there was a charge against him; it was an overpayment. Who expects to recover it? It cannot be recovered. That has been going on from the foundation of this Government. The only way to avoid the difficulty would be to pay nothing, but we cannot wait 2 months to pay a man who is being paid because he needs help promptly.

Those payments cannot be recovered. But if a contractor is overpaid, we can immediately seek to recover the money. It could be recovered from a contractor. The only person from whom we cannot recover is the person who has no money. Such a man is paid under such circumstances that the Treasury Department has been unable as yet to conceive of any better plan than that which has been pursued.

Mr. KING. Mr. President, will the Senator yield?

Mr. BYRNES. Certainly.

Mr. KING. I am familiar with the Springer case, but it seems to me that is not authority for the statement that Congres has not the power or the authority to provide for a preaudit of any expenditure it may authorize. I am inclined to think the Senator is accepting the view that we can authorize constitutionally a preaudit as well as an audit of account after the payment is made, but I insist that the Constitution does not prohibit the Congress from providing for a preaudit and setting up machinery for the purpose of accomplishing that result.

Mr. BYRNES. Making a preaudit to determine the propriety or legality of the payment?

Mr. KING. Making a preaudit to determine whether or not the money has been properly allocated or its payment properly authorized. We could not perhaps inhibit the payment.

Mr. BYRNES. We propose in the bill, and we go to great length to show, that the Director of the Budget can certify as to the availability of funds. A case was cited during the hearings which I think was very enlightening as to some of the troubles which may arise in the future. The Treasury Department asked for bids for furniture. The question was as to bids upon a furniture contract. The advertisement for bids contained the customary statement that the contract would be let to the lowest responsible bidder. Bids were submitted. No sample of furniture was submitted by one bidder. The department official held that under the circumstances, no samples having been submitted, even though they were not requested, his bid could not be accepted. Yet the man who furnished no samples was the lowest bidder.

The bidder went to the Comptroller General and the Comptroller General said, "Mr. Treasury Official, this man is the lowest bidder, and you will have to accept that lowest bid and give him the contract." The Treasury official said, "The discretion is with me as to whether he is the lowest responsible bidder or not." The Comptroller General said, "No; it is with me."

For illustration, a man in Vermont raised a question as to a lease of a post-office building which had been improved, and the owner wanted more money. The Department would say, "We do not think you are entitled to more money." He has the right to go to the Comptroller General. The Comptroller General can say, "Yes; you can have $3,000 more a year, or $10,000 more a year." Who checks the Comptroller General? There is no check upon him at all. The National Society of Accountants of the United States realizes the utterly unbusinesslike situation that has existed and has recommended just the terms of this bill in order to have an audit by an outside individual of settlements involving millions of dollars. It has got to be done not only for the wisdom of separating the powers of government under the separation of powers doctrine, but also because of the wisdom of good accounting methods and good administration.

Mr. President, I want to talk a few moments about the provisions of the reorganization proposal. It is very interesting to anyone who has followed the question to know that in 1932 we adopted an amendment to the legislative appropriation bill giving the exact powers contained in this bill as to the right of the President to regroup departments, with one exception. That provided that when the proposed reorganization was submitted to the Congress, either branch of Congress could by resolution veto the action of the Executive. We might have anticipated that we would accomplish nothing under such a provision. President Hoover submitted but one or two orders under that law. He submitted them to the House, and the Committee on Expenditures in the Executive Department pigeonholed his proposal, and it never was acted upon, and that was the end of reorganization.

It became manifest that we could not permit one branch of Congress to act upon a matter of that kind. Then in March 1933 Congress adopted another provision which is in the exact language contained in this bill with reference to the powers of the President. It is provided that the President can submit an Executive order, but when that Executive order is submitted to the Congress it must remain in the Senate for 60 days to give the Senate a chance to act upon it, and it must remain in the House 60 days to give the House a chance to act upon it. A joint resolution must be passed disapproving it before it can be rejected. That means that the Congress would have an opportunity to consider the matter and do what it pleased with it.

It is rather surprising to me that, in the Senate particularly, not one voice was raised in 1933 against giving the President the power to reorganize the executive departments of the Government, but today I believe there are several Senators who think it is giving entirely too much power to the President. The President had that power for 2 years. No great harm was done to any of the gentlemen who hold positions in the departments which they desire to hold.

I know whence comes the opposition, and I want to state that information for the RECORD. The opposition comes from the departments of the Government, just as it has come from the departments of the Government ever since the Government has been established. I should like to write in capital letters somewhere, so it could be read by the departments, that it is surprising to me that men who are appointed by the President of the United States to official positions in Washington have so little confidence in him that they fear to trust him with the decision as to the reorganization of the departments of the Government.

There is nothing in the bill specifically transferring any bureau or abolishing any bureau. There is only a provision giving the power to the President to decide, after hearing, whether he should put an independent body into a bureau or transfer a bureau or a part thereof from one department to another department.

It is for the President to determine after hearings; and yet some of these gentlemen who were appointed by him are so afraid to trust him that they have spent a lot of their time and of the Government's time arousing sentiment against this bill, and misrepresenting its provisions.

The people of the United States have some interest in the bill. The 130,000,000 people of this country are not vitally concerned with whether the Biological Survey is in the Department of the Interior or in the Department of Agriculture. The Nation will not fall if the Comptroller of the Currency shall be put into some other department of the Government. Yet the American Bankers' Association, or some committee of the American Bankers' Association determine that they will advise every banker in the United States to write to his Senators and Representative and protest against the passage of this bill. Why? Because they say it might affect the Comptroller of the Currency. How could it affect the Comptroller of the Currency? It could not affect the Comptroller of the Currency unless the President hereafter should determine, after hearings, that the office of the Comptroller of the Currency should be merged with some other department of the Government or should be changed in some way in the Treasury Department.

I have not heard any protest from the Comptroller of the Currency against this propaganda by the American Bankers' Association. I am sure the American Bankers' Association have never studied the question thoroughly. I have not heard any proposal that the Comptroller of the Currency should be touched in any way by anybody, and yet I know that every Senator has been besieged by bankers regarding the matter. The last communication I received before leaving my home was from a banker asking that the Comptroller of the Currency be not touched. Sometimes I think it may be due to the fact that officials believe there is some justification for considering the question of removal or reorganization.

I say to the bankers of the Nation that it is my opinion there should not be three examinations of a bank. If we are going to have examinations of a bank, I can see no good sense in having them made as they are made at present. Now an examiner walks into a bank on Monday morning saying, "I represent the Federal Reserve Board, and I want to examine your bank," and the banker has to turn over his organization to a representative of the Federal Reserve Board. The next morning a representative of the Comptroller of the Currency may walk in and say, "I want to examine your bank." The banker may say, "We were examined only yesterday." "Yes; but you were examined by the Federal Reserve Board. I represent the Comptroller of the Currency." The banker may knock off business for that day and turn over his organization to the representative of the Comptroller of the Currency. About the time he recovers—and it takes more than 1 day; generally it takes a week—by the time that man leaves, another man may walk into the bank and say, "Good morning. I represent the Federal Deposit Insurance Corporation." The banker may say, "We have been examined by the Federal Reserve Board and we have been examined by the Comptroller of the Currency. They are all in Washington, and they are all part of the Government. Now, do you have to examine me, too? Can you not take the result of the examination that has been made by the other two representatives of the Government?" "No." And he submits to another investigation.

The examinations conducted by the Federal Reserve Board and the Federal Deposit Insurance Corporation and the Comptroller of the Currency always cause me to believe about those organizations as I do about the Army and the Navy, namely, that we never can get the Army to know that the Navy exists, or get the Navy to realize that the Army exists. They are seldom on speaking terms with each other. It is hard ever to get them in the same room. If there is to be experimental research in aviation, an independent organization at Langley Field may do a splendid piece of work, but we cannot ever get the Army to agree that that work could help them. They have to have their experimental examination and their research work, and then the Navy have to have their research work. But to the bankers who have written most of the letters I desire to say that the opinions I have expressed about three examinations represent my own personal views; that I have heard absolutely nothing about any effort on the part of anybody to affect the office of Comptroller of the Currency except from the bankers themselves objecting to it. I have reached the conclusion that if they were showing good judgment they ought to demand that the United States Government make one examination, and have one examination do for three agencies of the Government.

I note that there are other departments of the Government which fear that they might be affected by the action of the President. If I had answered all the telephone messages I have received even since yesterday morning from departmental officials who desired to talk to me, I never could have come to the floor of the Senate; and I know what they wanted to ask. I can make their statement for them without hearing it. Their statement is, "I know that there ought to be a reorganization of the executive department of the Government. I am for it. It is the only hope of securing efficiency. I am in favor of it; but, while I am in favor of it, I do want to ask you to except my Bureau from the provisions of the bill giving the President power to reorganize the departments. If you do that, I think the bill is absolutely all right."

Who ever heard of such an absurd thing as having 130 independent departments of the Government, each one with a personnel officer, each one with counsel, brought into existence by act of Congress? The Congress is responsible for their existence. We cannot say that the executive departments are responsible. Congress created them. When they were created they were headed by one or more men, each with a $10,000 job, each with secretaries and assistants, and in a short time under secretaries were added to do work that ought to be a part of the duties of an existing department.

Did you ever hear of a great business corporation that would undertake an additional activity and then put in a commission to operate it? Would they ever accomplish anything if that were done? Would it not result, as the appointment of our commissions so often results, in a political debate between the members of the commission? These commissioners spend a good part of their time fighting over who is going to control the patronage of the commission, and five men supposedly big enough to sit on a commission—certainly big enough to draw salaries of $10,000 a year each—should not waste all their time discussing who is going to be a stenographer for some minor official of the commission.

I once heard of a very splendid gentleman who served in the House of Representatives—Uncle Joe Cannon by name—say on the floor of the House that the only way to attain good government was to appoint a good man, give him power, and then hold him responsible for the exercise of that power. If he makes good, the party responsible for him will be credited with a good job and be retained in power. If he does not make good, the people of the Nation will remove him from office and put somebody else in office.

That is a pretty good theory of government, and a pretty good way of administering the laws that are passed by the Congress. Congress has more interest than anybody else in this reorganization bill. I do not care what kind of laws we pass; if we have not efficient governmental machinery to administer the laws, we might as well never have passed them. Effective and efficient machinery for the administration of the laws is the important thing in the Government today, and we do nothing to accomplish it. We say, "Well, it may be all right."

I know we should not have 130 separate governmental bodies operating in the city of Washington. You know that. I know there is no responsibility under such an arrangement. How could there be responsibility? Put yourself in the place of the Chief Executive. How can the Chief Executive ever know what is going on in 130 different organizations? If the heads of 130 different organizations asked to see the President once a week to talk to him, he would have 130 interviews, and if each one of them took 15 minutes they would take up his whole week, and he never could see a Member of the Senate, and that would be a pity. But with 130 men seeking to see him, what is the result? He never sees them.

We establish a commission and they sit off to themselves. The might as well be on Robinson Crusoe's little island. Nobody knows anything about them until finally an estimate to cover their activities is sent up here to the Appropriations Committee. Then they come in before the committee, and my colleagues on the committee and I sit down to examine them. The man across the table is in possession of all the facts. You are not in possession of anything except a desire to know something about what is going on, but he has the answer for everything.

He is prepared. He tells you what he wants you to know. He presents figures, and if you do not like them he will give you more figures, and you never have a chance and never have the time to check up on the figures. You have to rely

upon them, and there never is any check on them by anybody, and there cannot be under the present system.

What does the reorganization bill propose? It proposes that these independent offices, with the exception of the regulatory bodies shall be put into regular departments of the Government. At the head of that department there is a member of the Cabinet who will sit down at the Cabinet table. The problems of a bureau which is a part of Department A or Department B may be presented by the member of the Cabinet at every Cabinet meeting. Whenever there is a matter of sufficient importance for discussion by the President and the Cabinet, the member of the Cabinet in whose department the activity has been placed may present it to the Cabinet for consideration, and there will be some chance of securing active consideration of it. At present it is impossible for that consideration to be had, and there is not any hope of its being brought about.

Opponents of the bill say, "Yes; but even though that be so, the Congress ought to do it." Let us consider that assertion.

There is not a Member of the Senate or Member of the House who does not know that if any committee of the Congress brought in a bill proposing to reorganize the departments of the Government, it would not stand a chance of getting one-third of the votes of either body. If, today, when we seek to pass a bill giving to the President power to reorganize the departments after hearings by him, the officers of every department of the Government and every bureau show distrust of the man who appointed them to the extent of fighting the bill because they fear they may be touched, what in the world would they do if they were actually touched? Bring in a bill proposing to remove a bureau from one department to another, and see what happens to it.

I do not believe anyone thinks it would affect the people of the United States. They are not afraid of that. They do not believe it would affect the efficiency of Government. But John Smith has been appointed in the Department of Commerce as head of a bureau. He is the chief official of that bureau. John Smith knows he is satisfied. He is willing to let the matter drop right now. But he fears that the President might decide that his bureau should be placed over in the Department of the Interior, and that another member of the Cabinet might not think so well of him and might demote him and put someone else in the organization at the head of that bureau, and he is not going to take the chance of losing his job. He is satisfied with the existing order of things, and he does not want to take a chance. That is what actuates him, and it is a very human impulse. There is a lot of real human nature in it. He is looking after himself. He is opposed to any change. He is satisfied; he does not want to take a chance of losing his position.

If a bill were ever brought in seeking to abolish any organization of the Government, it would not be possible to get serious consideration of it on the floor of the Senate or of the House. If a bill were ever brought in to transfer a bureau, it would not be possible to get serious consideration of it, because there are too many opportunities for the head of a department who is personally interested in retaining the status quo to block any change.

There is more than that. Several times in the history of proposed legislation with reference to reorganization attempts have been made to affect the so-called independent commissions. As to that, I wish to say only that I do not believe they should be affected. When such a proposal was brought up in 1933, the Congress gave to the Executive the power to transfer, consolidate, and merge even the independent commissions, and there was no limitation upon his power. In the present bill, of which I am now speaking, that has not been done. Regardless of any recommendation, in this bill we have provided that the so-called regulatory commissions, exercising quasi-judicial powers, should be exempted from the provisions of the law. The only reference to them is in the provision that as to their expenses they shall submit their budget with the regular Budget submitted to the Congress.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. BYRNES. I yield.

Mr. BORAH. May I ask what provisions there are in the bill, if any, which reserve to Congress the power to review acts of the President in making changes in the departments?

Mr. BYRNES. Mr. President, those provisions will be found on page 6. The first provision is in the limitation on the exercise of this power to 3 years. The second provision is a little stronger limitation upon the power of the President than that imposed in 1933 by the Members of the Congress at that time. This is the provision:

> Whenever the President issues an Executive order under the provisions of this title, such Executive order shall be submitted to the Congress while in session and shall not become effective until after the expiration of 60 calendar days after such transmission, unless Congress shall by law provide for an earlier effective date of such Executive order: *Provided,* That if Congress shall adjourn before the expiration of 60 calendar days from the date of such transmission such Executive order shall not become effective until after the expiration of 60 calendar days from the opening day of the next succeeding regular or special session.

The bill considered in the House did not contain that proviso. I insisted upon it, because I insist that there should be a pendency of 60 days in the Congress for any Executive order, so that Congress can take action if it sees fit to do so. If we did not insert such a proviso, and the President should submit an Executive order, say, some time in May of 1938, and we should adjourn in June, and it was to become effective in 60 days, the proposed order would have been before the Congress for only 30 days or less. Under this provision no time would begin to run until the next Congress convened, and then it would run for 60 days.

I know of only one objection that could be raised to this proposal, and that was discussed in 1933.

Mr. BORAH. By way of a concrete proposition, suppose the President should transfer the power of some independent commission to the Interior Department. What power would Congress have over the question of whether that action should be final?

Mr. BYRNES. The very purpose of the proposal is to give Congress the power to disapprove, by joint resolution, an Executive order, either in whole or in part.

Mr. BORAH. Congress could pass a joint resolution, and then the President could veto it.

Mr. BYRNES. That is true.

Mr. BORAH. So it really means that in order to prevent the change there would have to be a two-thirds vote in Congress.

Mr. BYRNES. That is correct, and that is why I started to call to the attention of the Senator the only objection that has been urged. It is the only objection that was urged when the Congress did exactly the same thing in 1933. This is the exact language Congress has heretofore adopted, with this exception: That we have imposed a greater limitation, because we exempt all these regulatory commissions. But as to your suggestion, there is no doubt it would require action by the Congress after veto, because if a proposed delegation of power is valid, then when the power is exercised and the order becomes law we cannot revoke it except by law, and that means that the President would have to sign whatever measure we passed. Therefore it is correct to say it would be necessary to have a two-thirds vote to prevent any proposed change. Perhaps I should modify that. It would require a two-thirds vote if the President were not convinced that the Congress was right in its action in disapproving his action, and insisted upon his position and vetoed the measure passed by the Congress.

Mr. BORAH. The probability would be, of course, that if the President had made the transfer he would be disposed to veto any measure which changed the action.

Mr. BYRNES. I agree with that.

Mr. BORAH. Another thing. A joint resolution would have to be passed through both Houses of Congress within 60 days.

Mr. BYRNES. Yes.

Mr. BORAH. Is not that rather a short time? If we had nothing else to do, of course it would not be too short; but during a busy session of Congress, when Congress had before it important measures for consideration, we could hardly hope to have such a measure brought up and passed within 60 days.

Mr. BYRNES. Of course, a provision fixing a time limitation is always an arbitrary matter. Sixty days was fixed upon because it was the provision heretofore carried. It certainly should not take a long time to pass such a joint resolution. Of course, that matter would only be of importance in the Senate, because in the House if a majority of the Members are in favor of a proposal, they can act upon it. In this body a matter can be delayed for a longer time.

There is nothing sacred about the 60-day provision over a provision for 30 days or 90 days. It is made 60 days for the reason that the previous authority to the President, which existed for 2 years, and which was adopted unanimously here, provided for 60 days.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. BARKLEY. Recurring to the point which has been made with respect to the requirement that it would take a two-thirds' vote of the Congress to override a veto of the President with respect to any repeal or any allocation he might make, that is true of any law Congress enacts and which it may later desire to repeal. If the President did not approve of the repeal, it would take two-thirds of the Congress to override his veto and thereby repeal the act.

Mr. BYRNES. Yes.

Mr. BARKLEY. That is no more true of this than it is of any other law Congress passes.

Mr. BYRNES. That is correct; and I say to the Senator from Idaho that I gave a great deal of consideration to that matter some years ago when it was before us. As a practical matter, I do not think it would ever be a serious problem. As a practical matter, the people of the United States are not affected to any great extent by the officers administering laws here in the city of Washington. I cannot grow excited when my friends in a department talk to me about a bureau being transferred to some other department. I cannot conceive of any such order by any President that would not transfer the whole organization intact.

Provision is made in this bill for that, and if that is done and the law is administered on Eighteenth Street instead of Twenty-second Street, what difference does it make to the 130,000,000 people of this country? We cannot count on the individual, because the individual who is administering the law now will not be in that position forever. He will be gone, and some other individual whom we do not know of now will be administering it.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. BYRNES. I yield.

Mr. BORAH. Ordinarily speaking, it does not make much difference whether one bureau or another bureau administers a particular law. Generally speaking, that is true. I wish to say, furthermore, that I am quite in favor of the proposed reorganization of the Departments, but I do not think the Congress should lose entirely its control over the subject.

Mr. BYRNES. Mr. President, I agree with the Senator's position.

Mr. BORAH. The Congress would have only 60 days in which to act upon an order made by the President.

Mr. BYRNES. Mr. President, I agree that there should be sufficient time to take action, for the reason which is in the mind of the Senator from Idaho. If the bill is limited to 3 years, action will have to be taken in the next 3 years. If we could conceive of the President making any order which would be so opposed to the views of the Congress that a majority of the Senate and House would want to act upon it, I believe we could act upon it in 60 days.

In 1933 the President issued an order transferring a number of agencies to the Farm Credit Administration. One of the first things that happened in this administration was that merger which was made in an effort to put within one organization all the agencies which made loans to farmers. Then, with the necessity of enacting legislation to try to relieve the suffering incident to the depression, the administration and the Congress were diverted from further reorganization, and, with the exception of one other order, I do not think any change was made. I cannot conceive of any change of one bureau of one department to another department that would be of vital importance except to the gentlemen who are down in the departments.

Mr. BORAH. Mr. President——

Mr. BYRNES. I yield to the Senator from Idaho.

Mr. BORAH. Under the pending bill, the President has power to abolish bureaus, has he not?

Mr. BYRNES. He has, Mr. President, with limitations. If I thought he would really do that, I should have a great deal more enthusiasm for the measure than I have.

Mr. BORAH. I should be rather enthusiastic for it if I could name the bureaus. Seriously, I think some bureaus should be abolished and others consolidated, but I think Congress has some responsibility in the matter.

Mr. BYRNES. Of course, I suppose if we attempted to do that every Member of the Senate would have the same desire as the Senator from Idaho.

Mr. BORAH. I think that would be good, to a marked extent.

Mr. BYRNES. There exist today 130 separate organizations. If we should give each Senator the opportunity to make one suggestion with regard to abolishing a bureau, we should still have left a surplus which we ought to dispose of. It should be made certain that there shall be no abolishing of any of the independent or regulatory commissions, because those are commissions which the Congress has said should perform quasi-judicial functions. Of course, they are removed from any such consideration. But, after all, when such eliminating has been done, what is left? Nothing but executive offices. There remains the Executive. He is held responsible by the Constitution for the faithful performance of his duty. All through the years it has been my opinion that the Executive ought to have the power to consolidate or reorganize these tools of government, those instruments in the executive departments of the Government, so that he will be able more effectively to administer the duties placed upon him by the Congress under the law. The Congress enacts the law. When the Congress enacts it Congress cannot administer it. It is the duty of the Executive to administer it, and the Executive who is charged with that duty ought to be given the most effective machinery; and if he is given the power to group that machinery, it is bound to be more effective than if he has no discretion at all.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. BYRNES. I yield.

Mr. BORAH. I suppose the power to create a bureau would be a legislative one?

Mr. BYRNES. Yes.

Mr. BORAH. And the power to abolish it would be a legislative act?

Mr. BYRNES. There is a certain decision holding that we may delegate that power to the Chief Executive under certain standards and limitations. The language relative to the reorganizing power was construed in this case in connection with the transfer of the functions of the Shipping Board to the Department of Commerce.

The case was *Isbrandtsen-Moller Co.* v. *United States* (14 Fed. Supp. 407). This case was decided by a three-judge court in the southern district of New York and has recently

been affirmed by the Supreme Court on other grounds. The case of *Swayne & Hoyt, Ltd.*, v. *United States* (10 Am. Mar. Cases, 1790) is also in point.

Mr. BORAH. I suppose that under the proper rules and standards we may delegate the power to the President.

Mr. BYRNES. Yes.

Mr. GEORGE. It is wholly a legislative act.

Mr. BYRNES. As the Senator from Idaho says, it is a delegated legislative power which is being executed by an officer in the executive branch of the Government within standards set forth in the law. Also, as the Senator from Georgia [Mr. GEORGE] said, it is a legislative act, but the power to do this act has been delegated to an executive officer, the President. However, the requisite limitations, standards, and statements of policy relative to his use of this legislative power are in the law and he must perform these delegated legislative powers in pursuance of the law, with its standards and limitations.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. BURKE. The Senator from South Carolina has referred a number of times to 130 bureaus or boards that are to be eliminated by the proposed act. Will the Senator furnish for the RECORD, as a part of his statement, the names of the bureaus and boards that are affected?

Mr. BYRNES. Yes. Mr. President, I ask unanimous consent to insert at the conclusion of my remarks the information asked for by the Senator from Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The information referred to appears at the conclusion of Mr. BYRNES' remarks.)

Mr. BYRNES. I will say for the benefit of the Senator from Nebraska that as I perused the list of these agencies I have found some agencies so unimportant that I did not even know they existed, although I thought I was reasonably well informed as to the agencies of the Government. The Senator will find in the list a few commissions that are not active. They have come into existence during the years that have passed by reason of the actions of generous Congresses in establishing commissions, and we have kept them. They have long since performed all the duties they will ever perform, and the chief reason for their continued existence is to permit those in charge to draw some compensation from the Government.

Mr. BURKE. Mr. President, will the Senator again yield?

Mr. BYRNES. I yield.

Mr. BURKE. I should not want any misunderstanding to arise as the result of the question I asked. I am heartily in favor of the major portions of the bill. I think the Executive should have the authority to consolidate and to do practically anything he desires with reference to increasing efficiency and reducing expense in connection with these bureaus and boards. With the exception of the proposal in the measure with respect to the office of the Comptroller General, and some other matters concerning which the Senator will enlighten us, I am heartily in favor of the bill.

Mr. BYRNES. Mr. President, I am glad to hear the Senator from Nebraska make that statement; and knowing the views he holds with respect to the Constitution and the courts, I am well satisfied that he is going to agree with me about the provisions as to the General Accounting Office.

Mr. President, the Senator from Nebraska made reference to the matter of economy. Whenever we provide efficient government we provide an economical government. If we promote efficiency we will save money. Any man who has served on the Appropriations Committees of the Congress for as many years as I have served on them would know that. If I had power under the bill to group these organizations so as to prevent duplication of the same activity in department after department, I should undertake to do so, and I would also save hundreds of thousands of dollars by the transfer of bureaus and independent offices into regular departments.

Is there any excuse for having 130 personnel agents, instead of having personnel agents put only into ten agencies of the Government? Is there any reason for having lawyers scattered in every department, supposedly advising? Whenever you appoint counsel you must buy lawbooks and install a library. You can never get counsel to look at the lawbooks in the office in the building across the street, or those in the next office in the same building. The books must be "my books." "The law does not read right unless it is in my books." Senators will find law libraries scattered all over the city of Washington.

Senators will find publicity officials in the various departments. If the offices of all these publicity officials were abolished, and publicity officials placed only in the 10 departments, efficiency and economy would result. They could be placed one in each of the established departments of the Government, and this would be in the interest of economy and efficiency.

However, the question is bigger than that. I submit that we cannot have intelligent administration of the Government unless we can bring all of the activities of the Government into regularly established departments with a head who is a member of the Cabinet, and who can bring to the attention of the Chief Executive twice a week at the Cabinet table the problems affecting those agents. As it stands now, that cannot be done. We have agencies all over the city of Washington. No Senator could tell a constituent where he could find them. These officials never get to the Chief Executive. He cannot know where they are.

I saw in the newspapers a few days ago the statement that the President had appointed a representative with the hope of getting in touch with the various independent offices of the Government. That gentleman will have a fine time even getting in touch with them. How can their problems be brought to the attention of the President? However, when they are brought to the attention of the President, he may prevent conflict. He cannot now prevent conflicts. Do Senators know how we now prevent conflicts? We establish another commission to provide accountants for all of these commissions to go around and to try to prevent them from issuing statements that are in conflict with each other. One hundred and fifty thousand dollars is asked for the purpose of doing that, and $100,000 was given. This was given merely to prevent one department that never has heard of another department, except through the newspapers, from issuing conflicting statements.

The statement presented by Mr. BYRNES for the RECORD is as follows:

Departments, boards, commissions, authorities, corporations, and activities of the Government of the United States as of Jan. 1, 1937

I. Congressional establishments ---------- 6
- Architect of the Capitol.
- Botanic Garden.
- General Accounting Office.
- Government Printing Office.
- Library of Congress.
- Smithsonian.

II. Executive and independent establishments:

1. Departments ---------- 10
   - Department of State.
   - Department of the Treasury.
   - War Department.
   - Department of Justice.
   - Post Office Department.
   - Department of the Navy.
   - Department of the Interior.
   - Department of Agriculture.
   - Department of Commerce.
   - Department of Labor.

2. Independent executive agencies ---------- 31
   - American Battle Monuments Commission.
   - California Pacific International Exposition.
   - Central Statistical Board.
   - Civil Service Commission.
   - Commission of Fine Arts.
   - Coordinator for Industrial Cooperation.
   - Emergency Conservation Work.
   - Farm Credit Administration.
   - Federal Emergency Administration of Public Works.
   - Federal Emergency Relief Administration.
   - Federal Home Loan Bank Board.

Departments, boards, commissions, authorities, corporations, and activities of the Government of the United States as of Jan. 1, 1937—Continued

II. Executive and independent establishments—Continued.

2. Independent executive agencies—Continued.
   - Federal Housing Administration.
   - Federal Reserve Board.
   - Great Lakes Exposition Commission.
   - National Advisory Committee on Aeronautics.
   - National Archives.
   - National Capital Park and Planning Commission.
   - National Emergency Council.
   - National Mediation Board.
   - National Resources Committee.
   - Prison Industries Reorganization Administration.
   - Railroad Retirement Board.
   - Rural Electrification Administration.
   - Social Security Board.
   - U. S. Board of Tax Appeals.
   - U. S. Employees Compensation Commission.
   - U. S. Railroad Administration.
   - U. S. Tariff Commission.
   - U. S. Texas Centennial Commission.
   - Veterans' Administration.
   - Works Progress Administration.

3. Independent regulatory agencies [1] 8
   - Federal Communications Commission.
   - Federal Power Commission.
   - Federal Trade Commission.
   - Interstate Commerce Commission.
   - National Bituminous Coal Commission.
   - National Labor Relations Board.
   - Securities Exchange Commission.
   - U. S. Maritime Commission.

4. Independent corporations 6
   - Export-Import Bank.
   - Federal Deposit Insurance Corporation.
   - Federal Prison Industries, Inc.
   - Federal Surplus Commodities Corporation.
   - Reconstruction Finance Corporation.
   - Tennessee Valley Authority.

5. Dependent corporations reporting directly to the President 5
   - Commodity Credit Corporation.
   - Electric Home and Farm Authority.
   - Federal Farm Mortgage Company.
   - Home Owners' Loan Corporation.
   - Savings and Loan Insurance Corporation.

6. Establishments and governmental corporations having separate budget and staff 20
   - Alaska Railroad.
   - Bureau of the Budget.
   - Committee on Industrial Analysis.
   - Consumers' Counsel, National Bituminous Coal Commission.
   - Consumers' Project.
   - Federal Committee on Apprentice Training.
   - General Claims Arbitration, United States and Mexico.
   - Indian Arts and Crafts Board.
   - Inland Waterways Corporation.
   - International Boundary Commission, United States, Alaska, and Canada.
   - International Boundary Commission, United States and Mexico.
   - International Joint Commission, United States and Canada.
   - Mixed Claims Commission, United States and Germany.
   - National Youth Administration.
   - Panama Canal.
   - Puerto Rico Reconstruction Administration.
   - Special Mexican Mixed Claims Commission.
   - Tennessee Valley Associated Cooperatives, Inc.
   - United States Housing Corporation.
   - Virgin Islands Co.

7. Administrative committees 13
   - Board of Review, Agricultural Processing Tax.
   - Board of Trustees of the Postal Savings Depositories.
   - Central Statistical Committee.
   - Federal Open Market Committee.
   - Food and Drug Commission.
   - Foreign Service Building Commission.
   - Foreign Trade Zones Board.
   - Grain Futures Commission.
   - Migratory Bird Conservation Commission.
   - National Forest Reservation Commission.
   - National Munitions Control Board.
   - National Park Trust Fund Board.
   - Library of Congress Trust Fund Board.

[1] This classification includes agencies whose activities are primarily regulatory. All of the departments have important regulatory functions, and many of the other independent agencies have some regulatory activities.

Departments, boards, commissions, authorities, corporations, and activities of the Government of the United States as of Jan. 1, 1937—Continued

II. Executive and independent establishments—Continued.

8. Advisory committees established by law or Executive order and reporting to the President 25
   - Advisory Committee on Allotments.
   - Advisory Council, Emergency Conservation Work.
   - Advisory Council for the Government of the Virgin Islands.
   - Central Housing Committee.
   - Committee on District of Columbia Fiscal Relations.
   - Committee on Farm Tenancy.
   - Committee for Reciprocity Information.
   - Council of Personnel Administration.
   - Executive Committee on Commercial Policy.
   - Federal Board of Hospitalization.
   - Federal Board of Surveys and Maps.
   - Federal Power Policy Committee.
   - Great Plains Committee.
   - Inquiry on Cooperative Enterprise in Europe.
   - Interdepartmental Committee on Civil International Aviation.
   - Interdepartmental Committee on Health and Welfare Activities.
   - Interdepartmental Committee on Safety in Federal Departments.
   - Interdepartmental Loan Committee.
   - National Advisory Committee on Aeronautics.
   - National Advisory Committee of the National Youth Administration.
   - National Drought Committee.
   - President's Committee on Administrative Management.
   - President's Committee on Vocational Education.
   - Quetico-Superior Committee.
   - Radio Advisory Committee.

9. Miscellaneous establishments 9
   - Columbia Institute for the Deaf.
   - Howard University.
   - National Academy of Science.
   - National Railroad Labor Board.
   - National Training School for Boys.
   - Textile Foundation, Inc.
   - United States High Commissioner, Philippine Islands.
   - United States Soldiers' Home.
   - Washington National Monument Society.

Total 133

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the morning hour is terminated, and Senate Resolution 177 automatically goes to the calendar.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. The Senator from New York.

Mr. BYRNES. I move that the Senate proceed to the consideration of Senate bill 2970, which is known as the Government reorganization bill.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

Mr. WAGNER. I move that the Senate proceed to the consideration of House bill 1507, the so-called antilynching bill.

Mr. BORAH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Idaho suggests the absence of a quorum——

Mr. BYRNES. Mr. President, may I ask unanimous consent to say that I said I thought the Vice President might not be able to see me, but I did think the Senator from Missouri would be able to see me. [Laughter.]

The PRESIDING OFFICER. The present occupant of the chair could see but not recognize his very dear friend, the Senator from South Carolina.

Mr. BYRNES. I have been on the floor since shortly after 12 o'clock, and I thought I had the floor.

The PRESIDING OFFICER. The Chair will be glad to rule on that question at the termination of the quorum call demanded by the Senator from Idaho. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Bailey	Bilbo	Bulkley
Andrews	Bankhead	Borah	Bulow
Ashurst	Barkley	Bridges	Burke
Austin	Berry	Brown, N. H.	Byrd

Byrnes	Graves	Lundeen	Reynolds
Capper	Green	McAdoo	Russell
Caraway	Guffey	McCarran	Schwartz
Clark	Hale	McGill	Schwellenbach
Chavez	Harrison	McKellar	Sheppard
Connally	Hatch	McNary	Shipstead
Copeland	Hayden	Miller	Smathers
Davis	Herring	Minton	Smith
Dieterich	Hitchcock	Murray	Thomas, Okla.
Donahey	Johnson, Colo.	Norris	Thomas, Utah
Duffy	King	Nye	Townsend
Ellender	La Follette	O'Mahoney	Truman
Frazier	Lee	Overton	Tydings
George	Lewis	Pepper	Vandenberg
Gibson	Lodge	Pittman	Van Nuys
Gillette	Logan	Pope	Wagner
Glass	Lonergan	Radcliffe	White

Mr. LEWIS. I reannounce the absences and the reasons therefor of certain Senators as stated by me on the previous call for a quorum.

The PRESIDING OFFICER. Eighty-four Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from New York [Mr. WAGNER] that the Senate proceed to the consideration of House bill 1507, the so-called antilynching bill.

Mr. HARRISON. I make the point of order that that motion is not in order, and I base that point of order on the fact that the Senate during the closing hours of the last session adopted an order with which most Senators are familiar. At that time the Senator from Kentucky [Mr. BARKLEY] said:

> I move that the bill H. R. 1507, the so-called antilynching bill, be made the special order of business for consideration immediately following the disposition of the bill to be reported at the beginning of the next session of Congress by the Committee on Agriculture and Forestry, pursuant to Senate Resolution 158, relative to farm legislation, and said bill shall thereby become and remain the unfinished business until the same is disposed of.

That was the solemn action of the Senate, voicing the opinion that the antilynching bill should not be taken up until after farm legislation was out of the way.

So I submit that, in view of the action already taken by the Senate, the motion now made is not in order and will not be in order until after farm legislation shall be out of the way.

The PRESIDING OFFICER. The Chair is constrained to rule that the fact that House bill 1507 has been made a special order does not in any sense preclude the Senate from taking it up and disposing of it at any time previous to the time set by the special order. The Chair, therefore, overrules the point of order. The question is on the motion of the Senator from New York.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. What is the pending motion?

The PRESIDING OFFICER. The pending motion is that made by the Senator from New York [Mr. WAGNER] that the Senate proceed to the consideration of House bill 1507, being a bill to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. CONNALLY. Mr. President, I fail to find anywhere in the President's message any mention of this matter on the legislative program. What was the session called for? I ask the leader of the majority side and the leader of the minority side.

Mr. McNARY. Mr. President, I myself really do not know. [Laughter.]

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. I yield.

Mr. BARKLEY. I really do know.

Mr. CONNALLY. I will be glad to have the Senator tell us.

Mr. BARKLEY. I know because I have read the President's message and the call for the extraordinary session. It was called primarily to enact farm legislation, then to enact reorganization legislation, to enact wage and hour legislation, and to give study, at least, to the consideration of tax legislation and antitrust legislation. But, while I am answering the Senator's question, I think it is proper to say that the Senate also made an order of its own, without regard to any recommendations of the President, which committed the Senate to the consideration of the bill which is the subject of the motion made by the Senator from New York.

Mr. CONNALLY. Oh, yes.

Mr. BARKLEY. And to consider that bill either after the farm bill is out of the way, or, if it sees fit, before the farm bill is taken up. It is not necessarily to be interpreted, in my judgment, as any violation either of the obligation of the Senate to deal with the President's program or in any way violative of its own obligation to deal with this part of the program which the Senate set in advance for itself.

Mr. CONNALLY. I thank the Senator from Kentucky. He did not mention this bill as one of the measures embraced in the call of the President. He said the Senate, on its own motion, decided it would consider this matter—but when was the Senate to consider it? Now? No! After the farm bill shall have been disposed of. Of course the Senator from New York is not interested in the farm bill. He would like to have us postpone the farm bill indefinitely. The Senator from New York is bound to know that his motion to bring this measure before the Senate is going to cause some delay. The Senator from New York is supposed to be close to the President of the United States. He is supposed to be one of his intimates. He is supposed to do what the President tells him to do. [Laughter.]

Mr. COPELAND. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I meant the junior Senator from New York [Mr. WAGNER]. [Laughter.]

Mr. COPELAND. I merely desired to be very sure about that.

Mr. CONNALLY. Yes; I meant the junior Senator from New York [Mr. WAGNER]. [Laughter on the floor and in the galleries.]

The PRESIDING OFFICER. The Chair must admonish the occupants of the galleries against any manifestation of approval or disapproval. The occupants of the galleries are here as guests of the Senate and must obey its rules in that respect. Otherwise the Chair will order the galleries cleared.

Mr. CONNALLY. Mr. President, I love to hear that boast of the Chair. I never yet have seen the galleries cleared nor any attempt to clear them.

The PRESIDING OFFICER. If the Senator from Texas wishes to precipitate it, he will see the galleries cleared very shortly.

Mr. CONNALLY. The Senator from Texas is not talking to the occupants of the galleries. The Senator from Missouri, who is now in the chair, may be doing so. The Senator from Texas is talking to his fellow Senators. I am not trying to arouse the risibilities of the occupants of the galleries. I am trying to arouse a sense of fairness and justice in the Members of the Senate to carry out the pledge we made at the last session that the first thing we should do at the next session of the Senate would be to take up the farm bill. That is the measure the President particularly wants considered.

But to revert to the Senator from New York. Is he doing today what the President told him to do? No. Let him read the President's message. The President wants the Congress to address itself first to farm legislation. The Senator from New York wants to go off on a vote-catching expedition in Harlem. [Laughter.] The Senator from New York has his mind and eye on the future.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. CONNALLY. I refer to the junior Senator from New York [Mr. WAGNER].

Mr. COPELAND. Very well; because so far as the senior Senator from New York, myself, is concerned, I did not succeed in getting those votes in Harlem. [Laughter.]

Mr. CONNALLY. If the senior Senator from New York [Mr. COPELAND] had followed the guidance and direction of

the junior Senator from New York [Mr. WAGNER], he might have gotten them. [Laughter.] I believe the junior Senator from New York supported the senior Senator from New York—no; he did not. I beg everybody's pardon. [Laughter.]

Mr. MINTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Indiana?

Mr. CONNALLY. I yield.

Mr. MINTON. There ought not to be any confusion about which Senator is meant. The senior Senator from New York [Mr. COPELAND] has already been on a vote-getting expedition. I suppose the junior Senator from New York [Mr. WAGNER] will understand that.

Mr. CONNALLY. No one has any confusion of mind as to which Senator is referred to. I am referring to the junior Senator from New York [Mr. WAGNER] of course.

The PRESIDING OFFICER. The Chair will suggest to Senators that a rule of the Senate provides against personalities by Senators. The Chair is mandatorily instructed to enforce that rule and the Chair will do so.

Mr. CONNALLY. Let us understand the Chair. I do not regard the Senator from Texas as having made any personal allusions. The Senator from Indiana [Mr. MINTON] made reference to the senior Senator from New York [Mr. COPELAND] in connection with a matter that does not affect the business of the Senate, because he was running for another office in New York. I am talking about the junior Senator from New York [Mr. WAGNER] in connection with the business now pending before the Senate. The Chair is not going to muzzle the Senator from Texas when he is within the parliamentary rule.

The PRESIDING OFFICER. The Chair will state to the Senator from Texas that he has no desire to muzzle the Senator from Texas, but the rule of the Senate provides against any Senator indulging in personalities, and the Chair will enforce that rule.

Mr. CONNALLY. If the Senator from Texas has violated that rule, will the Senator who now occupies the chair so rule? I do not appreciate anticipation and intimation on the part of the Chair that the Senator from Texas is going to violate a rule.

The PRESIDING OFFICER. The Senator from Texas will proceed within the rule.

Mr. CONNALLY. The Senator from Texas is proceeding within the rule, and that rule also permits discussing rulings of the Chair whenever he gets good and ready to do so. [Laughter.] He is ready even if he is not good. [Laughter.]

The PRESIDING OFFICER. The Senator from Texas will proceed.

Mr. CONNALLY. I thank the Chair. His direction to proceed is confirmation and affirmation that so far as he has gone the Senator from Texas has not violated the rule.

For what purpose was the Congress convened in special session? A distinguished Republican at a State convention in Texas once made an observation which is quite apropos. A resolution was submitted to regulate patronage dealing with postmasters under the Republican administration. There was a good deal of wrangling and finally this prominent Republican said, "Mr. Chairman, if we cannot deal with the postmaster situation, what are we here for?" [Laughter.]

So I ask, "What are we here for?" Why has the President of the United States under his constitutional power called Senators and Representatives from their homes where they were investigating conditions and ascertaining the views of the people with regard to all national problems? Why did he call us back? Read the RECORD. It fails to disclose anywhere that the President of the United States mentioned or had in mind the particular piece of proposed legislation now under discussion. I challenge the junior Senator from New York [Mr. WAGNER] to rise in his place and say whether or not that proposed legislation is on the program as submitted by the President in his message. There is no answer. Those of us accustomed to running to the telephone booth while some Senator is speaking on the floor, and telephoning the White House, should run out there now and get a message of that kind and come back and tell the Senate about it. [Laughter.]

Are we breaking the faith? The Senator from Mississippi [Mr. HARRISON] pointed out that at the last session it was ordered by the Senate—the Senator from Mississippi said "solemnly" ordered, and I thought it was a solemn act and I believe it was intended to be so—that the first thing we would do at the next session of Congress would be to take up the farm problem. But the senior Senator from Kentucky [Mr. BARKLEY]—I am going to have to begin to talk about senior and junior, apparently—the senior Senator from Kentucky says, now, "We did that; we promised it; we made the pledge; we put it in the RECORD and we had it printed; but that did not mean anything. We can change our minds whenever we see fit. Whenever the boys come around and make it hot for me and tell me we have to get a certain bill through, whenever they put the pressure on me and say we have to get a certain bill through before the next city election, we can change our minds." That is the statement of the leader, and I am following him—as far as I can go. [Laughter.]

Let us see what else we did. I send to the desk certain proceedings of the last session of the Senate and ask the clerk to read, beginning on page 11335 and ending on the next page.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

PROGRAM FOR RELIEF AND BENEFIT OF AGRICULTURE

Mr. BILBO. Mr. President, because it is an emergency matter I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 207, the agricultural relief measure.

The VICE PRESIDENT. Is there objection to the request of the Senator from Mississippi?

Mr. THOMAS of Oklahoma. Mr. President, I desire to offer two amendments, which are strictly clerical, to clarify two words in the joint resolution.

The VICE PRESIDENT. We have not yet reached the amendment stage. Is there objection to the request of the Senator from Mississippi?

Mr. CLARK. Mr. President, I ask that the joint resolution be read.

Mr. LA FOLLETTE. Mr. President, I also should like to have the joint resolution read.

The VICE PRESIDENT. The clerk will read the joint resolution.

The joint resolution (S. J. Res. 207) was read as follows:

"Joint resolution expressing the views of the Congress as to a program for the relief and benefit of agriculture."

Mr. CONNALLY. Mr. President, I want the Senate to listen to this. This is what we passed.

The legislative clerk read as follows:

"Whereas the whole Nation suffers when agriculture is depressed; and

"Whereas the Nation has felt and still feels the unfavorable economic consequences of two different kinds of misfortune in agriculture; and

"Whereas the first of these misfortunes was the ruinous decline in farm prices from 1929 to 1932; and

"Whereas the second kind of misfortune was the drought of 1934, followed by the drought of 1936; and

"Whereas a permanent farm program should (a) provide not only for soil conservation but also for replacing the crop-adjustment methods of the Agricultural Adjustment Act, (b) protect agriculture and consumers against the consequences of drought, and (c) safeguard farmers and the business of the Nation against the consequences of farm price decline; and

"Whereas it is the sense of Congress that the permanent farm legislation should be based upon the following fundamental principles:

"(1) That farmers are entitled to their fair share of the national income;

"(2) That consumers should be afforded protection against the consequences of drought by storage of reserve supplies of big-crop years for use in time of crop failure;

"(3) That if consumers are given the protection of such an ever-normal granary plan, farmers should be safeguarded against undue price declines by a system of loans supplementing their national soil-conservation program; and

"(4) That control of agricultural surpluses above the ever-normal granary supply is necessary to safeguard the Nation's investment in loans and to protect farmers against a price collapse due

to bumper yields resulting in production beyond all domestic and foreign need.

"Now, therefore, be it

"*Resolved, etc.*, That abundant production of farm products should be a blessing and not a curse; that therefore legislation carrying out the foregoing principles will be first to engage the attention of the Congress upon its reconvening; and that it is the sense of the Congress that a permanent farm program based upon these principles should be enacted as soon as possible after Congress reconvenes."

Mr. LA FOLLETTE. Mr. President, let me ask the Senator from Mississippi the interpretation of the word "reconvenes." Does the Senator have in mind a special session or the next regular session?

Mr. BILBO. In the event a special session should be called, the joint resolution would apply to that. It means any session.

Mr. LA FOLLETTE. That is the interpretation I placed upon it, but I wanted the RECORD to show that that was the understanding of the author of the joint resolution.

Mr. BILBO. It relates to the next session.

Mr. BARKLEY. As I understand, the joint resolution was unanimously reported from the Committee on Agriculture and Forestry, and follows the instructions given a few days ago to that committee to report a measure along these lines during the first week of the next session, whether it is the regular session or a special session.

Mr. KING. May I inquire of the Senator from Mississippi whether the Senator from South Carolina [Mr. SMITH], the chairman of the Committee on Agriculture and Forestry, approves the joint resolution?

Mr. BILBO. He does.

Mr. MCKELLAR. Mr. President, let me inquire whether or not, after the joint resolution shall be passed, loans will be made by the Commodity Credit Corporation.

Mr. BILBO. There is a perfect understanding with the executive department that an Executive order will be issued granting relief to cotton farmers to the extent of 12 cents a pound.

Mr. CLARK. Mr. President, I should like to ask the Senator from Mississippi whether there is any perfect understanding with the executive department about loans to the producers of any other commodities.

Mr. BILBO. Yes.

Mr. CLARK. There are many other commodities besides cotton.

Mr. BILBO. There were representatives of the corn and wheat producers present at the conference, and they were equally assured that if they were faced with a tragic situation, as the cotton farmers are, they, too, would be relieved.

Mr. CLARK. How about oats?

Mr. BILBO. All commodities are included.

Mr. CLARK. There is a situation existing in some States in the Middle West at the present time where there was a complete failure of the wheat crop due to very unusual weather conditions, and where there is a very large oat crop, the producers of which are now suffering from exactly the same sort of seasonal glut that has affected the cotton crop.

Mr. BILBO. I am sure that if the Senator would present his cause, his constituents would get relief.

Mr. CLARK. To whom should a Senator present his cause?

Mr. BILBO. We had a conference with the Secretary of Agriculture and the President of the United States.

Mr. CONNALLY. Mr. President, that is a joint resolution which was passed by the Senate, passed by the House, and signed by the President of the United States. That is not a little Senate order that we can kick in the pants whenever it does not suit us. That is not a little order by the Senate to do so and so. That is a joint resolution passed by the Senate, passed by the House, and signed by the President of the United States. Is anything more solemn than that, legislatively speaking? Yes; something is more solemn than that—a little conference off in a committee room this morning. Turn over the joint resolution and throw it in the wastebasket. Get two or three Senators together—the Senator from New York, the Senator from somewhere else, and the majority leader—and wipe out a joint resolution pledging the Congress of the United States to do something and do it at a particular time.

Mr. President, let us see what we promised. Let us see what the Senate promised. Let us see what the House promised. Let us see what the President of the United States promised. This joint resolution does not read, "Whereas we take up the antilynching bill." I do not see that in the joint resolution. I do not see anything here about the Senator from New York [Mr. WAGNER]. I do not see his name mentioned. The joint resolution reads:

> Joint resolution expressing the views of the Congress as to a program for the relief and benefit of agriculture
>
> Whereas the whole Nation suffers when agriculture is depressed—

Well, if it is not depressed now, it never will be depressed. Senators know that the cotton farmers in my State and other Southern States are suffering as they have never suffered since 1914, when the World War came along and at its beginning absolutely destroyed the market for our great staple. Put your hands up to your ears, you who represent agricultural States. If you cannot hear cries of distress coming up from the farm areas your auditory system is out of condition. Adjust your eyes, look out over the prairies and the farms of America, and if you cannot see economic distress your vision is deranged. We say that we are going to bring relief to the farmer, and when we meet we say to the farmer, "Yes, yes; you need a higher price for your cotton; you need a better price for your corn; you need to have something done about your wheat and your tobacco, and we will give you an antilynching bill to relieve your distress." The great agricultural leader, the junior Senator from New York [Mr. WAGNER] offers this to the suffering farmers of the Nation as a panacea for their ills.

> Whereas the Nation has felt and still feels the unfavorable economic consequences of two different kinds of misfortune in agriculture—

Was that true when the joint resolution was passed? We said it was. Is it true now? It is more true now than when we enacted it back yonder in August. What has brought about the change of our attitude toward this question? It is said that the Committee on Agriculture and Forestry is not ready to report. Well, there is nothing in this joint resolution that said that if the committee was not ready to report we should take up something else. We said that we should do that first. If the Senate wishes to do something further, it may instruct the Committee on Agriculture and Forestry, if it is not acting speedily enough, to have a night session or two and bring in a bill tomorrow. It probably would bring in just as good a bill tomorrow as it would bring in a month from now. [Laughter.] We may instruct the committee to bring in a bill at once, because we legislate on the floor of the Senate much more than the Members of the House legislate on the floor of that body. In the House, the committees really function; but when a measure is brought up here on the floor of the Senate, according to the parliamentary clerk—and I do not blame him; he has to be a clerk, and that is what he is—the majority of the Senate may do anything at any time, except, sometimes, the right thing; the majority of the Senate may undo what it has promised. Well, what is the use of passing resolutions, what is the use of making pledges, if the pledges are to be broken whenever it suits the convenience of the one who makes the pledge, namely, the Senate?

People over the country talk about Senators. Some of us would be surprised to know what they say about us. They talk about Members of the House of Representatives. One of the reasons why they talk about us is incidents such as this—pledging ourselves to do one thing and then doing something else.

Do not fool yourselves. Everyone in the country understands why this bill is here. You are not fooling the people. Theoretically speaking, you can go out in the desert and stick your head down in the sand and imagine you are an ostrich. No one else thinks you are an ostrich. The people know why you are seeking to pass this bill. You are cheapening the Senate of the United States. Everyone knows the bill is unconstitutional.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BYRNES. Does the Senator recall any instance in the Senate of the United States where a Senator was addressing the Senate at 2 o'clock and was taken off his feet? Is there among the precedents of the Senate any instance where a Senator speaking at 2 o'clock was taken off his feet and another Senator recognized?

Mr. CONNALLY. I do not recall that ever having occurred; yet I do not assert that it has not occurred. I do not know. Frankly, I may say to the Senator from South Carolina that when I came to the Senate I undertook to

study the rules. I knew a little about the rules when I was a Member of the House of Representatives, but when I became a Member of the Senate I undertook to study the rules of the Senate. I consulted the most eminent men in this body; I consulted the parliamentary clerk, and the present occupant of the chair, the distinguished senior Senator from Missouri [Mr. CLARK]. I soon found that the rules amounted to very little, because the majority of the Senate, as the leader has said here today, whenever it gets good and ready can kick the rules into the wastebasket. So what is the use bothering about rules?

Mr. BYRNES. Mr. President, will the Senator yield again?

Mr. CONNALLY. I yield.

Mr. BYRNES. I want the RECORD to show that the only reason why I did not make a protest was that I knew that it was useless.

Mr. CONNALLY. The Senator knew, just as I knew, that they had the votes from Tammany, down to the littlest precinct, and there is no use bucking. When they have the votes against you, there is no use bothering, and I would not bother now. I know this bill is to be taken up, and I know that it is to be passed, and I know that many of those who vote on the question will be ashamed when they vote to take it up and a lot more ashamed after it is passed. It is going to be passed, but I do not propose to let it pass without the country knowing what is being done and why it is being done.

Mr. President, I am not angry at any one. I do not blame the folks who need the votes and have to have them for obeying one of the great laws of our universe. I am not going to fall out with those who need the votes and have to have them, God bless them, because they are voting for this bill. That is all right. I may tell them what I think about them in private, to their faces; but it is all right. I am not angry, but I do not like to see a measure passed which everyone knows to be unconstitutional, that is, everyone who can read a lawbook and understand it. Of course, there are some of us who can read, and some of us who can understand. Very few can do both. [Laughter.] I do not pretend to be in the class of those who can do both. I can read a little, but I do not pretend to understand. [Laughter.] But those who can both read and understand know that this bill is unconstitutional.

The Supreme Court—God bless them—are still sitting over across the way. There is a court over there now, and I know one of the judges of that Court who is going to decide, when this bill comes before him, that it is unconstitutional. I refer to Mr. Justice Black, of Alabama. [Laughter.]

The galleries will please be quiet.

The PRESIDING OFFICER. The Chair thanks the Senator for his admonition.

Mr. CONNALLY. I hope the occupants of the galleries will not evidence any disapproval or approval, because it sears the soul of the Presiding Officer, and the Chair wants to see the rules obeyed. [Laughter.] If there is a rule against someone saying "Ha, ha" in the galleries, it will be enforced, but if there is a solemn pledge of the Senate to take up the farm bill, "To hell with it." That is the way we run our Senate. [Laughter.]

The people who keep us here, our constituents, come from a distance, come from far away St. Louis, or somewhere else [laughter], and when they look down on us and hear what we say, and approve or disapprove, if one of them claps his hands, out he goes into outer darkness and damnation. But when the Senate itself solemnly passes a joint resolution, with the approval of the leader, and it then goes over to the House of Representatives and is passed there, and then goes by special messenger, with outriders, and a siren sounding the way down to the White House, and is laid on the President's desk, and in the presence of all of the little satellites who swarm around the White House, in the presence of all the correspondents who flock in every time the door to the White House opens, in the presence of all the photographers who snap everyone who goes down to the White House, the President of the United States signs it and pledges the people of the United States to take up the farm bill first, the pledge is ignored. We did not say we would take up the farm bill before the reorganization measure, no; we did not say we would take it up before we would take up appropriations, no; we did not say we would take up the farm bill before we took up some particular measure, but we say we would take up the farm bill before we took up anything else.

The Senator from New York—the senior Senator; and Mr. President, let me say that this "senior" and "junior" business never did appeal very strongly to the Senator from Texas; that is, the junior Senator from Texas; I beg the pardon of my colleague. I never have had much patience with this rule of seniority around the Senate. One cannot walk into the cloak room unless his senior goes ahead of him. Usually the senior ought to go ahead of him, because frequently it is necessary that he go ahead of him. [Laughter.]

Mr. President, there is this rule of seniority. Some Senator has been here longer than some other Senator. I would not make an appeal on the ground of seniority. These old desks have been here longer than I have. They are my seniors. These desks have been here longer than the Senator from South Carolina—the senior Senator [Mr. SMITH]—has been here, and he has been here ever since a short time after the Senate was established, as I understand. [Laughter.]

Mr. President, speaking of seniority, these old walls are all our seniors. They are entitled to more consideration than we are on the ground of seniority. These swinging doors, which we made a national campaign to bring back to America [laughter]—these swinging doors have been here longer than the junior Senator from Louisiana [Mr. ELLENDER] has been here. They are his senior.

Mr. President, I was discussing what the Supreme Court will do with this bill. Thank God, the old Court is over in its beautiful building; and when Mr. Justice Black was put on that Court a man was appointed who is going to hold this bill unconstitutional, because he said so here on the floor of the Senate, and I have his speech before me. This is a sort of a prejudgment opinion. This is what Mr. Justice Black will have to hold, because he said it here on the floor of the Senate, and what we say here on the floor we cannot retract. Only the majority of the Senate can retract. It can retract anything it does.

Mr. President, I send to the clerk's desk some remarks by Mr. Justice Black when he was a Member of the Senate, and ask that they be read.

The PRESIDING OFFICER. Without objection, the clerk will read.

The legislative clerk read from the proceedings of the Senate on April 29, 1935 (CONGRESSIONAL RECORD, 74th Cong., 1st sess., vol. 79, pt. 6, p. 6520), as follows:

PREVENTION OF LYNCHING

The Senate resumed the consideration of the motion of Mr. COSTIGAN that the Senate proceed to the consideration of the bill (S. 24) to assure to persons within the jurisdiction of every State the equal protection of the laws by discouraging, preventing, and punishing the crime of lynching.

Mr. BLACK. Mr. President, I desire to address myself to the bill for the consideration of which by the Senate a motion has been made. I realize that, to a great extent, many Senators have made up their minds on this measure even before the motion to take it up shall have been passed upon. A study of the bill, however, convinces me that neither the Senate nor the country is familiar with the effect this measure would have if it should be enacted into law.

I desire to preface my remarks with the statement that I am against lynching. In no public or private utterance I have ever made in all my life can anyone find a single statement made by me indicating that I favored lynching as a punishment for crime.

I claim that this bill which has been introduced by the Senator from New York [Mr. WAGNER] and the Senator from Colorado [Mr. COSTIGAN] could well be designated a bill to increase lynching, as a bill to suppress labor unions, as a bill to punish and prosecute sheriffs and peace officers who fail to perform satisfactorily the duties which owners and operators might claim they should perform in the case of a strike. I claim that it is not only a bill which would subject the sheriffs to prosecution in the Federal courts for neglect to protect persons from injury but it goes still further and would subject every sheriff in this Nation to a penalty not in excess of 25 years if he failed to exercise that diligence which the coal operators, for instance, thought he should exercise in order to protect their property in case of strike.

I do not claim that the Senator from Colorado and the Senator from New York intended to introduce a bill which would have that

effect, but I assert that there never has been a self-respecting court in this Nation that could hold to the contrary of the views I have expressed with reference to this particular measure. I base that statement on the measure itself and on the report submitted by the Judiciary Committee, and particularly upon the brief in support of the report submitted by Mr. Charles H. Tuttle.

Therefore, Mr. President, I assert that if the bill should become a law, it would have an accentuating effect like unto that of the fourteenth amendment. There were many who believed that it was necessary to adopt the fourteenth amendment in order to protect colored citizens of the country from an infringement of their rights. Some were honest and sincere in that belief. They believed that the amendment would serve to effectuate such a purpose. I submit to the Senate that if at that time it could have been known that over a period of 10 years, out of 529 cases coming under the amendment, 509 would have been decided in a way to protect vested interests in their predatory special privileges in this Nation, the amendment would not have had easy sailing, even at that time, when the dictator from the State of Pennsylvania was practically deciding what should be the laws to govern the people of the Nation. In order that there may be no misunderstanding about my statement, when I say "dictator" I refer to Mr. Thaddeus H. Stevens.

The bill which it is now sought to bring before us is a lineal descendant of the measures which were enacted as laws in this country and about which the great historian Claude G. Bowers has written that magnificent book entitled "The Tragic Era."

There is nothing new in the proposal except that today to him who will read it, it is plain that it goes much further than its proponents in earlier days ever intended it should go, and that it is bodily placing in the Federal courts of the Nation, in courts presided over by men appointed for life, the unquestioned right and privilege of penalizing every sheriff, every peace officer, every judge, and even every governor of every State, if he fails, forsooth, to be as diligent as the owners think he should be in protecting the property of those whose employees are out on strike.

Mr. President, I deny that this is an "antilynching" bill. The public, the great body of the citizens of the country, have been led to believe that we have in this bill a simple measure against lynching. I assert that if the bill should become a law not only would it affect the so-called "14 lynchings" which occurred in the country in 1934, but I assert that in the first year of its operation there would fall under the terms of the proposed law more than a thousand cases arising all over the Nation which would not even remotely in any sense of the word touch a lynching.

Standing here before this body, following the fights which have been made upon this floor in which I have frequently joined, I do not concede that the Federal courts should have the authority which has been exercised to suppress labor organizations. Nor do I propose to sit silently and permit anyone to cast a vote without having it called to his attention in language that he must understand, if he will listen, that whoever shall vote for this measure will be voting to crucify the organized laborers of the country upon a cross of so-called "idealism" with respect to one particular subject.

Before I proceed with reference to the discussion of that feature, however, I desire to deny that there was any lynching in the State of Alabama in 1934. It has been stated there were 14 lynchings in this country in 1934 and that 1 was in Alabama. I have investigated to see what it was that was designated as a "lynching." I found to my utter amazement that it has been charged that a lynching occurred in Jefferson County in 1934. That is the county of my residence. I do not recall that there has been any overt act in that county with reference to lynching, except on one occasion, during the past 30 or 40 years. At the time that overt act occurred the sheriff of Jefferson County, Ala., met the onrushing mob at the doors of the jail, jeopardized his life, killed those who were in the lead, and wounded many others. This was done while he was protecting his prisoner.

The only case I recall when there was a near mob was when a colored man was accused of raping three colored girls in Birmingham, Ala. It was necessary to protect him from the outraged members of his own race.

What was the so-called "lynching" which it is alleged occurred in Jefferson County, Ala., in 1934? I am making this statement, not because it will affect the particular measure, but in justice to the people of that county. When I read the statement about the alleged lynching, I went over to the Congressional Library to read exactly what occurred in connection with the incident to which reference was made. I found that this is what occurred:

About a year and a half ago three girls who lived in Birmingham were up on Red Mountain looking at the sunset. A colored man came to them with a pistol and forced them to accompany him down into the woods. For about 4 or 5 hours they were tortured. All three of them were left for dead. Fortunately one of them lived. She dragged herself to the waiting automobile and drove to her home. Every endeavor was made to find the man who committed the crime. Perhaps 150 men were brought for identification. She said that none of them was the man; that she would know him anywhere she ever saw him so long as she lived.

Several months thereafter, at a time when her father was with her, she pointed out a man on the street. She said, "There is the man." The man was arrested and taken to jail. He was tried, convicted, and sentenced to hang. The case went to the Supreme Court of Alabama and was affirmed. The case came to the Supreme Court of the United States and was sent back, and thereafter the Governor of the State of Alabama, believing that there might have been a mistake in the identification, commuted the sentence to life imprisonment.

It was shortly after this crime occurred that three girls in the city of Birmingham, who had started to a meeting shortly after dark, were met on the street by a colored man with a pistol and told to go with him. They asked him what for. They said they had no money. He said, "Come on and I will show you." He had a pistol. A struggle ensued. One of the girls broke away. She rushed to the nearby meeting which the girls had intended to attend. She sounded the alarm. Citizens left that meeting, rushed to the spot, and found the other two girls engaged in a struggle with their assailant. The assailant shot at the men who had rushed to the scene. They started after him. Shots were exchanged and the man was killed.

That is one of the so-called 14 lynchings which occurred in the United States in 1934. There has been charged to the State of Alabama a lynching by reason of the fact that the men who were notified what was occurring and went to save the girls would, under the terms of the bill which it is now sought to bring before us for consideration, if it applied to that kind of crime, have been liable to punishment by incarceration in the penitentiary if they had failed to listen to the cries of this assailant. It is charged that this was a lynching.

I have mentioned this occurrence because I resent the statement that there was a lynching in that county and in that State in 1934. There have been lynchings in the past. In my judgment, each one was one too many, in my State or any other State. I may say, in reference to what the Senator from Oklahoma [Mr. Gore] has just suggested, that under the common law—the very law that is cited in the brief to support this bill—it was not only the right but the duty of citizens to follow their assailant until they got to him; and it was not their duty to stand and permit themselves to be killed, even though someone might later say that they had violated the law.

Mr. President, I now desire to refer to just one other incident which happened in that county while I was the prosecuting attorney.

A colored man was charged with the crime of rape. He was identified by two girls. I mention this incident because it is stated that in some sections the sentiment is always against the man on trial. A lawyer was appointed to defend him. The lawyer now lives in the State of Illinois. He did defend the colored man. The defendant was identified from the stand by two witnesses. He pleaded an alibi, and his alibi was that at the time the crime was alleged to have been committed he was committing a burglary. He produced evidence that a burglary had been committed on that night at that time. He not only said that he had committed the burglary but, when asked what his occupation was, he said he was a burglar. The defendant was acquitted by the jury in Jefferson County, Ala., the county in which it has been publicly stated this lynching was committed.

Mr. President, I am very happy to say that the sentiment in the section of the country from which I come against the crime of lynching has increased marvelously during the past few years. The records will show convictions in the State of Alabama for failure to protect prisoners. I am of the opinion that if there were any one thing needed to reverse this salutary and wholesome growing sentiment against lynching, if there were any one thing that could reverse the trend, it would be the passage of a measure entrusting the trial of such matters to the Federal courts of the Union.

That is not the sentiment of a day; it is a sentiment of generations. Even before the War between the States was fought, Alabama was one of the States which followed the Jeffersonian idea that the courts of the State, not the courts of the Federal Government, should be trusted to enforce the laws with reference to the habits and customs within the State.

After the war was fought the State of Alabama, along with other States in the South, had a baptism of blood. It was subjected to the cruel and grueling punishment inflicted by reason of the tenacity and ruthlessness of a man who took the position that the Southern States were conquered provinces. Federal soldiers were quartered in the homes of the people of my State. Those transactions at that time aroused the opposition of the liberal thought of the Nation. Those who will consult the publications of those days will see that the voice of the liberal-thinking people of the country was finally heard. It took a great number of years, however, for them to recognize the fact which political philosophers had been expounding throughout the ages—that even though a province should be conquered, a wise conqueror left its local habits, customs, and manners untouched.

We all know the history of that period; and I mention it only because the bill under discussion today is a lineal descendant of the type of thought that placed the heel of the military oppressor upon the people until they could tolerate it no longer. I am glad to state that at that time men who lived in other sections of the country opposed the measures advanced, such men as the great Vorhees, of Indiana, the "Tall Sycamore" whose voice was raised in this Capitol time after time in the effort to bring about a return of sanity in a day when emotionalism had swept good, honest, idealistic people from their feet and had caused them to attempt things that could not possibly be performed. The laws of that day were a curse to those they were supposed to benefit as well as a curse to those they were supposed to punish.

I desire to call attention to the fact that in this Capitol there is a statue erected to a distinguished Alabaman. In 1865–66 that distinguished Alabamian went over the State of Alabama to

convince the people that they should accept the verdict of the war. He persuaded them that they should build schools in which to educate those who had only recently been slaves. He not only stood for their education, but he stood for the extension to them of the right of suffrage. That man was Mr. J. L. M. Curry. That was not his sentiment alone; it was the sentiment of the sound-thinking people of the State; and it would have continued to be the sentiment of the sound-thinking people of the State if others had not entered that State on account of laws that were enacted at this Capitol largely for political advantage. Had that not been done, the solution of the great problem of two races living together side by side would not have been so much retarded.

I call attention to this fact in order that I may point out that frequently laws which on the part of some are designed for the most benign purposes fail to accomplish those purposes. They react, because, whether the condition to be affected is in the State of New York, the State of Indiana, the State of California, the State of Alabama, or any other State in the Union, we must take into consideration the fact that, after all, this is a democracy; and unless we desire to turn over the administration of the laws to the military authorities, in the final analysis we must depend upon the sentiment of those who enter the jury box.

Mr. President, with those prefatory remarks I desire to call attention to the bill which is now before us. I state again that, while it is called in the press an "antilynching bill," that is a misnomer. I admit that lynching is included in it; but it would constitute such an infinitesimal part of the things affected by the bill that it is a misnomer to call it an antilynching bill.

I do not believe the Senate would willfully and deliberately pass a law which would subject the sheriff of a State to 25 years' imprisonment in the penitentiary if he neglected to protect a mine from striking miners. I assert—and I maintain that any court would so hold—that the bill would impose a penalty of 25 years in prison upon a sheriff not only for failing to protect an individual whose personal safety or life was in danger but would inflict a penalty of 25 years in prison for failing to protect property from striking miners or other striking employees.

Mr. BANKHEAD. Mr. President, will my colleague yield?

Mr. BLACK. I yield.

Mr. BANKHEAD. The Senators upholding the bill ought to hear the able argument being made by my colleague. Therefore I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). Does the senior Senator from Alabama yield for that purpose?

Mr. BLACK. Mr. President, most of the Senators were present at the time the roll was called a little while ago, and if my colleague would consent, I should prefer not to have a quorum called again. I understand there are a great many Senators who feel that they are perfectly familiar with the bill, and there are some, perhaps, who would still be of the opinion, as stated by the newspapers, that it is an antilynching bill. Therefore they would say, "We have to be for it." I assert that if the bill shall ever become a law, those Senators will then have called to their attention what they have perpetrated to enslave the workers of the Nation.

Mr. President, I have carefully analyzed the first paragraph of the pending measure, which is the foundation of the entire bill. The first paragraph defines what a mob is. I assert that there has not been a gathering of strikers during the last 20 years, as a consequence of which there was injury to any person or any property, where the case, if they had been arrested under State authority, could not, if the bill had been the law, have been removed to a Federal court, and they compelled to defend themselves before a judge who was appointed for life instead of a judge selected by the voters in the district where the alleged crime was committed.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. BORAH. The Senator is now discussing a phase of the bill which is very interesting to me. As I understand the measure, it really provides that if a certain number are congregated together for a certain purpose, then the Federal question may be invoked.

Mr. BLACK. That is correct.

Mr. BORAH. But if one individual alone is acting in the particular matter, the Federal Constitution does not apply?

Mr. BLACK. That is correct.

Mr. BORAH. If that be so, it seems to me the argument ought to be concluded very readily, because we certainly have not one Constitution for a half dozen and another Constitution for an individual.

Mr. BLACK. I should like to invite the Senator's attention to the fact that one of the things the measure would do would be to give a change of venue from a State court to a Federal court at any time when someone was willing to make an affidavit that three or more people had gathered together, and as a consequence thereof—note the word "consequence"—someone had been deprived of due process of law or the equal protection of the law. Every time a man is killed he is deprived of due process of law. Every time a striker is given an advantage—and it is always alleged that the sheriff gives strikers an advantage over strikebreakers—the strikebreaker is deprived of the equal protection of the laws.

Under paragraph 2, which I shall discuss later, a paragraph so ably argued in the report on the bill, it is not necessary that a person be killed or injured; for one is deprived of due process of law if his property is damaged by a group of men. If property were damaged by strikebreakers, and the charge could be proved—and, I regret to say, such a charge is too frequently proved—that instead of strikebreakers damaging the property, actually strikers damaged the property, what would be the result? Those doing the damage would be held for the Federal court upon a mere affidavit by one special officer of the employer, and when they got into the Federal court they would be tried by a judge appointed for life, who could not be removed by the votes of his peers in the county.

We have, following that, a reversion not merely to the old anti-injunction law—which many Senators have taken credit for supporting in connection with this bill—but it goes further than any court could have gone in an injunction. It would subject strikers to imprisonment, not for 6 months but for 6 years. It would subject a sheriff, not to impeachment alone but to 25 years' imprisonment in the penitentiary, if he failed to exercise that diligence which the Federal court might decide he should have exercised in order to protect the property of a company whose men had gone out on strike, perhaps, because they were not receiving decent wages or because they were being worked contrary to contract or contrary to Federal law.

Someone may say, "You are mistaken. This is an antilynching bill." The same thing might have been said of the fourteenth amendment.

I have divided the first paragraph as it must be read by the court, and I invite Senators who have the bill before them to follow me and see if I misquote any part of it. I have divided the paragraph into five parts to show what is designated as a mob. Remember, if there is a mob, immediately the case becomes a Federal case if something happens as a consequence of the actions of the mob. A special officer of a company can make an affidavit that the State courts did not afford due process of law, and the case would go to the Federal court.

Let us consider the first part:

"The phrase 'mob or riotous assemblage' * * * shall mean an assemblage composed of three or more persons acting in concert, without authority of law, for the purpose of killing or injuring any person in the custody of any peace officer."

If it were desired to have an antilynching bill, that would limit it to some appreciable extent, although it happens that I have tried cases where under such a provision those who were out on strike could have been taken before a Federal court.

Let us read No. 2:

"The phrase 'mob or riotous assemblage' * * * shall mean an assemblage composed of three or more persons acting in concert, without authority of law, for the purpose of killing or injuring any person—"

Note this—

"suspected of, charged with, or convicted of the commission of any crime, with the purpose * * * of preventing the apprehension or trial or punishment by law of such person."

These two particular provisions come nearer limiting the bill than any other provision in it. Yet, under the illustration which I gave on the floor of the Senate a few days ago, they would include the group of miners down in Alabama who unfortunately engaged in an altercation a few months ago.

Let me read No. 3:

"The phrase 'mob or riotous assemblage' * * * shall mean any assemblage composed of three or more persons acting in concert, without authority of law, for the purpose of killing or injuring any person * * * suspected of, charged with, or convicted of the commission of any crime, with the * * * consequence—"

Note—

"with the consequence of preventing the apprehension or trial or punishment by law of such person."

There is a vast difference between charging a purpose and a consequence. In other words, if a person should happen to be killed or injured or removed, the case would go to the Federal court.

Now, let me read No. 4, because it is No. 4 and No. 5 particularly to which I desire to call attention in connection with the brief filed in support of the bill:

"The phrase 'mob or riotous assemblage' * * * shall mean an assemblage composed of three or more persons acting in concert, without authority of law, for the purpose of killing or injuring any person * * * with the purpose * * * of depriving such person of due process of law."

What is due process of law? It is the right to be tried in a court. Every time one man meets another and has an altercation with him and kills him, the person who is killed is deprived of due process of law. If one injures another without cause, the person injured is deprived of due process of law. The only right any citizen in this country has to lay his hands on another man is under authority of law; and certainly if three or more miners, or three or more railroad men, or three or more workers of any kind or type meet together, it is easy to charge, if they are on a strike, that they met for the purpose of injuring somebody; and if, after that, someone is injured, of course, the strikers can be taken right straight into Federal court upon an affidavit by the special officer of the company.

Let me read the next one:

"The phrase 'mob or riotous assemblage' * * * shall mean an assemblage composed of three or more persons acting in concert, without authority of law, for the purpose of killing or injuring any person * * * or * * * depriving such person of the equal protection of the laws."

The last two clauses which I have set out in connection with paragraph 2, to which I shall refer in a moment, would make this bill the strongest weapon which has ever been placed in the hands of the employing groups of this country to destroy every association of workingmen where they attempted to protect their rights, to protect their wages, and to protect the working conditions of their lives. Let me say why I make that statement. I desire to

call attention to the statements made in the report as to the objects and purposes of this bill and why it is legal.

In the first place, if Senators will read the report, they will see on page 5 a very lengthy argument to sustain the view that it is necessary to construe this bill most liberally. Cases from the Supreme Court are cited for that purpose. It is said that it is necessary to construe it most liberally in order to effectuate what is said to be the purpose of the fourteenth amendment.

In the next place, some Senators may think that the measure affects a State only when it fails in its corporate capacity to do something to protect those who are charged with a crime. That is not the case at all. If Senators will look on page 6 of the committee report, they will find that the brief asserts that the bill affects the State if the State acts in its corporate capacity, or fails to act in its corporate capacity, through its Governor, its executive officers, sheriff, policemen, deputy sheriffs, constables, through its judiciary, its judges, through its ministerial officers, even down to the lowest one of all the categories of officials in the State.

Not only that, but Senators will find in the brief a case from the Supreme Court which states that the State would be bound by the action of the lowest ministerial officer, even a policeman, even though he were acting directly contrary to the law of his State and directly contrary to the Constitution, which is the fundamental law of each State of this Union.

In other words, let us assume that the constitution of the State—any State we may see fit to take—has a prohibition against doing a certain thing. A sheriff, a peace officer, a justice, a deputy sheriff, or a constable acts directly contrary to the statute and the constitution of that State. If Senators will look on page 6 of the committee report, they will find the argument made by Mr. Tuttle to the effect that even though the State officer acts directly contrary to law his action is fastened around the people of that State, and even though it should be the poorest county in all the Nation, if by that officer's neglect—not his criminal action but even his neglect—someone is injured and thereby deprived of due process of law, a verdict for as much as $10,000 can be rendered against the county even though the action was contrary to a State law, contrary to county administration, and contrary to the belief of every other citizen in the county.

Not only that, Mr. President; but after the judgment is obtained the persons who claim to be injured can levy upon the courthouse in the county to collect the judgment, and can levy on the jail, thereby perhaps satisfying those who seem to think some criminals ought to have things made as easy for them as possible in the United States of America. That is in the bill.

If anyone has any doubt about the theory on which this bill is written, let him read the brief on page 6 in support of this measure, and see if the third argument given in favor of the constitutionality of this bill is not that the action of a ministerial or judicial or executive officer in a State fastens liability on the State, even though the action is contrary to the desire and will and hopes and aspirations and laws of all the other people in the State.

If anyone doubts that the bill is intended to apply to the action of municipal officers, constables, mayors, policemen, street sweepers, all the way to the Governor, I ask that he read the brief on pages 8 and 9. Senators will find not only that the argument is made, but they will find in addition that an opinion of the Supreme Court of the United States is cited to sustain the viewpoint that if the Congress has any power to enact the proposed law, it has the power to go just to that extent. In other words, if the State of New York or the State of California or any other State in the Union should adopt in its fundamental law a prohibition against lynching—as all of them have, according to my information, either under the crime of murder or specifically designating it as lynching—if its Governor were opposed to lynching, if all its officers but one were opposed to it, under the authority cited, if this bill should become a law, one petty officer in one little county could bring his people under the operation of this bill not only by his direct action but by his failure to act; not only by his deliberate failure to act but by his negligent failure to act.

I wonder how many Senators who have so glibly stated they are for this bill knew that a fine could be imposed upon counties of their States because a peace officer was negligent in the performance of his duties; and not only a fine but the peace officer, not for criminal intent, not for deliberate action, but because, forsooth, he had failed to measure up to the standard set by the Federal court, could be sent to the penitentiary at Atlanta or to any other penitentiary in this country for a period of 25 years. The bill so provides. I wonder how many of those Senators who always take the liberal side of legislation, who realize that history has shown that harshness of punishment is the attribute of a despotism, and that leniency in the way of punishment is the characteristic of a democracy, and who have stated that they would vote for this measure, knew that if a little sheriff in a rural county of their States should exercise wrong judgment and a man should be killed and deprived of due process of law, that little country sheriff could be jerked into the Federal court and sent to the penitentiary for 25 years.

I assert that such punishment could be meted out to him, not because he had deliberately committed a crime but because he had been negligent in the performance of his duties.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER (Mr. LOGAN in the chair). Does the Senator from Alabama yield to the Senator from Florida?

Mr. BLACK. I yield.

Mr. TRAMMELL. I very much appreciate the able speech being made by the Senator from Alabama. I wish to make an inquiry of the Senator.

I have scanned the bill, every word of it, two or three times. I am unable to find where the bill provides any effort at retribution or any effort at compensation to the person, we will say, who has been ravished, or the members of such a person's family. The proponents of the bill do not seem to think the members of such a family should have the county fined and that penalties should be imposed to compensate the family. Does the Senator find anything of that character in the bill?

Mr. BLACK. There is nothing in the bill which provides for compensation for anyone except one who is injured or killed by a mob, where three or four are gathered together.

Mr. TRAMMELL. I should like to know why such a distinction is made.

Mr. BLACK. If, perchance someone had been murdered, and citizens should become infuriated, and they went out after the murderer and took the law into their own hands, the county where that occurred would be held liable. Not only that, but if they took the man into another county, even though no one in that other county knew he had been taken there, as I happen to know was the case in one instance, where he was taken just over the line at night, the county where they had taken the prisoner or the person would have to pay half the penalty, and there would be no compensation of any kind to the person who had been originally killed. The Senator is correct.

Mr. TRAMMELL. That is the point I wish to make inquiry about. It seems to me the authors of the bill were more solicitous of the person who may have suffered the fate of being lynched than they were of the victim of the criminal who outraged the public to the point of bringing about the lynching, for if they had not been, why did they provide for fining a county and getting compensation from a county for the members of the family of the one lynched, who, in the first instance, provoked the mob? I should like very much to see the authors of this bill and those supporting it more solicitous in behalf of the absolutely innocent ones and their families.

Mr. BLACK. I might say to the Senator that, so far as my own personal views are concerned, I am inclined to the belief that I would favor a general law which provided where a person is killed or murdered in any way and leaves dependents, that the laws which owed him the duty of protection should see that his dependents are taken care of. I do think, however, it is wholly unfair to provide such compensation for some and not provide it for others.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BLACK. I yield to the Senator from Montana.

Mr. WHEELER. I understood the Senator to say a moment ago that if any officer of the law had in his possession a prisoner charged with a crime, and negligently let somebody get that prisoner away from him, he would subject himself to imprisonment for 25 years. I do not find such a provision in the bill.

Mr. BLACK. I ask the Senator to read the report.

Mr. WHEELER. I do not care what the report says; I should like to have the Senator point out to me some provision to that effect in the bill.

Mr. BLACK. Certainly. I pointed out in the beginning before the Senator got here what is included in this bill.

Mr. WHEELER. But on page 3, section (b) provides that—

"Any officer or employee of any State or governmental subdivision thereof——"

Mr. BANKHEAD. Mr. President, I rise to a point of order. I should like to follow the debate but I cannot hear what is going on.

Mr. BLACK. I will read the exact language to the Senator, beginning at the bottom of page 2:

"or any officer or employee of any State or governmental subdivision thereof charged with the duty of apprehending, keeping in custody, or prosecuting any person"—

This includes judges, Governors, prosecuting officers, sheriffs, policemen—

"participating in such mob or riotous assemblage who fails, neglects, or refuses to make all diligent efforts to perform his duty in apprehending, keeping in custody, or prosecuting to final judgment under the laws of such State all persons so participating, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment."

I assert that under that the prosecuting attorney of the county where the Senator lives, the sheriff of the county where the Senator lives, a policeman of the county where he lives, the Governor of the State where he lives may be taken into the Federal court and charged with neglect of duty for failing to protect the prisoner and for mere negligence may be sent to the penitentiary of the Federal Government for 5 years; and I assert that it is barbarous and inhuman even to make such a suggestion in a civilized country.

Mr. MCGILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kansas?

Mr. BLACK. I yield to the Senator.

Mr. MCGILL. I observe from section 5 of the bill that it attempts to fix civil liability attaching to a county in favor of the person injured or the legal representative of the person injured. The county being a subdivision of the State, of a different sovereignty, deriving its powers under the laws of the State, I should

like to inquire of the Senator whether or not he feels that the Federal Government, a separate sovereignty, has authority by act of Congress to fix civil liability of any subdivision of a State such as a county?

Mr. BLACK. I will state to the Senator that I have not undertaken to present any of the constitutional phases of this bill because they have been very ably presented by others who have preceded me. I will state, however, that it would certainly be a paradoxical situation if the Federal Government, not founded upon the idea of enacting laws with reference to crime which affect individuals within a State, could have given to it the responsibility of sending to jail the officials of the communities that have been fixed with the responsibility because they failed to enforce the laws for which they alone were responsible. In other words, we will certainly all admit, I think, that the Federal Congress has no right to enact a law against murder in the State of Kansas; that is a question for the State of Kansas. The Federal Government has never attempted to do such a thing; but we find ourselves in a situation where, although the Federal Government cannot enact such a law, except insofar as it affects Federal property for the acquisition of which the Government obtained the counsel of the legislature in advance, the authority is here attempted to be given to it to send local officers, charged with the duty of enforcing their own laws, to the penitentiary because they neglect to enforce the laws which they alone can write. Not only that, but we find that Federal authorities could paralyze the hands of the local communities by levying on their jail and on their courthouse at the same time when they are supposed to have the authority to pass laws and to preserve order within their jurisdictions.

Mr. BORAH. Mr. President——

Mr. BLACK. I yield to the Senator from Idaho.

Mr. BORAH. If any such power as that exists, it must be possible to point to the provision in the Constitution of the United States which grants such power. I should like to know what is the provision upon which reliance is placed for the exercise of such power.

Mr. BLACK. The Senator will find that in the brief which is embodied in the report.

Mr. BORAH. Yes; I read the brief.

Mr. BLACK. They attempt to rely on two separate clauses of the Constitution. One is that the Federal Government shall guarantee a republican form of government to each State, and the other is the fourteenth amendment.

Mr. BORAH. So far as the guaranty of a republican form of government is concerned, that seems to me utterly irrelevant; I do not think it has anything to do with the proposition at all. The other is the fourteenth amendment, in reference to denying due process of law. How would we know whether due process of law had been denied until the authorities, the courts, who administer the law within the States had been appealed to and had refused to protect the individual?

Mr. BLACK. Of course, the authors of the bill set up in section 1 what they say should be construed to be a denial of due process of law, and that would be if for 30 days the prosecuting attorney and the judge and the sheriff had failed to catch a man and to try him and to convict him and send him to the penitentiary. If 30 days elapse without all that being done, anyone could go to the Federal court, make an affidavit that he had been denied due process of law, in spite of the fact that in many of the Federal courts of this country it would take 5 years to give him a trial.

Mr. BORAH. If that could be done with reference to a case where a number of people had congregated, if the district attorney or sheriff failed to catch a single one of the individuals who had committed the crime, appeal could be had to the same principle precisely, that due process of law had been denied.

Mr. BLACK. There can be no possible doubt about that.

Mr. BORAH. In other words, if this principle is correct, the Federal Government may step in and take over completely and absolutely the administration of the criminal laws of the State on the theory that they were not being properly administered.

Mr. BLACK. That is absolutely correct. It may take over the law governing each separate community in the United States. If that be correct, there never was any reason for the adoption of the fourteenth amendment.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BLACK. I yield to the Senator from Texas.

Mr. CONNALLY. The suggestion of the Senator from Idaho is certainly a most pertinent and comprehensive one. Let me suggest to the Senator from Alabama that if a man's life is taken or he is injured by one individual, has not his right been infringed to the same degree as if he were killed or injured by three individuals?

Mr. BLACK. Certainly he would be just as dead if killed by one as if he had been killed by three.

Mr. CONNALLY. If the Federal Government has the power to intervene in a case because three individuals are acting in concert, why would it not have the power to enter the State in any case where a man was murdered or his property was despoiled or where, on any kind of a claim, his rights under the fourteenth amendment were not guaranteed to the same extent that some other citizen's rights were guaranteed? Why could not the Federal Government step in, not only as to his personal safety but as to his property rights, because the fourteenth amendment applies as well to property rights as it does to individual rights?

Mr. BLACK. That fact as to property rights is pointed out in the brief.

Mr. BORAH. Mr. President——

Mr. BLACK. I yield to the Senator from Idaho again.

Mr. BORAH. Some of the large cities have had great difficulty in enforcing the law. There has been almost a reign of terror in some of them. Machine guns in the hands of criminals wounding and killing people.

Mr. BLACK. Yes; in some of the cities even more than 14 have been killed in 1 year.

Mr. BORAH. If there is any justification for the Federal Government moving into the States and undertaking the enforcement of the criminal law in the instances which are cited by this bill, there would be no exception, and the people of the cities would have a perfect right to invoke the Federal Government to take charge of the enforcement of the criminal laws in the cities.

Mr. BLACK. The Senator is correct. If the law should be carried to its logical conclusion, Tammany could not supply enough officers in New York City; they would exhaust their entire roster in 3 years, because the remainder would go to the penitentiary.

Mr. BORAH. Not only that but, in all probability, if the Federal Government should move in, it would take entire possession of Tammany.

Mr. BLACK. Of course, they would soon take possession of it, because if Senators will examine the Wickersham report and see how many have committed crimes in the city of New York who have not been apprehended and who have not been punished and who have not been convicted, and if they will also consult the records and ascertain how many times it has been charged that the failure of that city and of other cities to punish was because of improper motives of officials and improper influences brought to bear upon them, they will understand how it would be impossible for any political organization to supply enough officials from day to day, from week to week, from month to month, from year to year to take the places of those in the ever-continuing procession going to the penitentiary.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Oklahoma?

Mr. BLACK. Certainly.

Mr. GORE. I may be under a misapprehension, and for that reason I should like to ask the Senator a question.

Mr. BYRD. Mr. President, I make the point of no quorum.

Mr. CLARK. I make the point of order that the Senator from Texas has the floor.

Mr. CONNALLY. I yield.

Mr. CLARK. If the Senator from Texas yields for the purpose of having a quorum called, he loses the floor, does he not?

Mr. CONNALLY. The Senator from Texas can get it again, if that is what is worrying the Senator.

The PRESIDING OFFICER (Mr. MINTON in the chair). The present occupant of the chair is advised by the parliamentary clerk that under ordinary circumstances a Senator would not lose the floor in the absence of the serving of notice that the rules were to be strictly enforced.

Mr. CLARK. I now serve notice that the rules are to be strictly enforced.

Mr. CONNALLY. Very well, Mr. President.

The legislative clerk resumed the reading.

Mr. BYRD. I make the point of no quorum.

Mr. CLARK. Mr. President——

Mr. CONNALLY. I do not yield to the Senator from Missouri.

Mr. CLARK. I make the point of order that the Senator from Virginia——

Mr. CONNALLY. Mr. President, I make the point of order that the Senator from Missouri is out of order. I have the floor, and I refuse to yield to the Senator from Missouri, who is a stickler for the enforcement of the rules.

Mr. CLARK. I rise to a point of order. I did not ask the Senator from Texas to yield to me. I make the point of order that the point of no quorum made by the Senator from Virginia is out of order.

The PRESIDING OFFICER. Unless the Senator from Texas yielded to the Senator from Virginia to make the point of no quorum, the Senator from Virginia would be out of order.

Mr. CONNALLY. He would be out of order?

The PRESIDING OFFICER. Unless the Senator from Texas yielded for that purpose.

Mr. CONNALLY. I ask the Chair, If the Senator from Texas should yield, would he lose the floor?

The PRESIDING OFFICER. He would lose the floor now, after the Senator from Missouri has served notice.

Mr. CONNALLY. I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. What is the usual procedure in that regard as between Senators? Does a Senator usually lose the floor under such circumstances?

The PRESIDING OFFICER. Usually he does not.

Mr. CONNALLY. He usually does not, the Chair states. Is it only when the rule is invoked by some particular and meticulous expert on the rules, a Senator who spends all of his time reading the rules and lecturing other Senators, that the usual custom and the general courtesy as between Senators is no longer observed?

Mr. CLARK. I make the point of order that that is not a parliamentary inquiry.

The PRESIDING OFFICER. The point of order is sustained.

Mr. CONNALLY. Proceed, Mr. Clerk. [Laughter.]

The legislative clerk resumed the reading as follows:

Under the terms of the bill which it is sought to bring before the Senate, a State court would not be divested of jurisdiction and a Federal court would not be vested with jurisdiction unless and until some individual made an affidavit?

Mr. BLACK. Someone could always be found who would make an affidavit. It is usually easy to find someone who will make an affidavit. I very seriously doubt, under the bill, whether a man could plead former jeopardy if he had been tried in one jurisdiction and later should be indicted in the other. I do not believe he could.

Mr. GORE. My point is that jurisdiction to be vested under the the terms of the bill would depend upon one individual making an affidavit.

Mr. BLACK. Certainly taking the case to the Federal court would depend upon one individual making an affidavit. As the Senator from Idaho [Mr. BORAH] has well pointed out—and I concede it absolutely—if the Federal Government has the power to punish where three or more have committed a crime in a State, there is no earthly reason why it does not have the same power to punish where one has committed the identical crime. The individual is just as dead when he has been shot and killed by one as when he has been killed by three.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. BLACK. Certainly.

Mr. BAILEY. In the light of the very clear statement by the Senator from Idaho [Mr. BORAH], which no one can successfully contradict, I wish to suggest that those who are opposing consideration of the measure are fighting, first, for the lives of the 48 States which constitute the Union, and are fighting, second, for the character of the Union itself.

Mr. BLACK. I may say to the Senator in that connection that we are fighting against the philosophy declared by Mr. Charles Sumner when he said the Southern States had committed suicide. That was the entire philosophy upon which he based his attack upon the South shortly after the war. He took the position that those particular States had committed suicide. Mr. Stevens took the position, not that they had committed suicide, but that they were conquered provinces.

As the Senator from North Carolina has well pointed out, it is certainly true that if this bill can be enacted into law, whether or not the States committed suicide, they would be murdered by the representatives whom they had sent to the Capitol in the city of Washington.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. BLACK. Certainly.

Mr. BORAH. It ought to be said that Mr. Lincoln had the directly opposite view to that of Mr. Sumner and Thaddeus Stevens. The views of Sumner and Stevens were combatted by President Lincoln so long as he lived.

Mr. BLACK. The Senator is correct. So did President Johnson. It was by reason of President Johnson's courageous stand for the principle for which he stood, it was on account of his standing up like a man in the face of a hostility second to none that has ever been heaped upon an individual in the White House, that he was dragged into this Capitol and subjected to the indignity of a trial.

At that time there were certain idealists in the country who were asserting that President Johnson was wrong and they were praying in certain church organizations in the United States not that justice should be done, but that the Senate should vote to impeach President Johnson.

Telegrams were sent by the hundreds and by the thousands, prompted by idealism, I admit, but prompted by an idealism which concealed and blurred reason, sanity, and judgment, and which, if their principles had been adopted, would have made of our Republic one Union with no State line of any kind, with no privilege of any community to adopt any law which every other community did not adopt, regulating their habits and their customs.

Mr. President, it might be appropriate at this time for me to state, with reference to one part of our system of government, one thing in connection with which I am of the opinion that time itself has wrought changes and conditions.

Mr. BAILEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Alabama yield for that purpose?

Mr. BLACK. I do.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names: Adams, Ashurst, Austin, Bachman, Bailey, Bankhead, Barbour, Barkley, Bilbo, Black, Bone, Borah, Brown, Bulkley, Bulow, Burke, Byrd, Byrnes, Capper, Caraway, Carey, Clark, Connally, Coolidge, Copeland, Costigan, Couzens, Dickinson, Dieterich, Donahey, Duffy, Fletcher, Frazier, George, Gerry, Gibson, Glass, Gore, Guffey, Hale, Harrison, Hastings, Hatch, Hayden, Johnson, Keyes, King, La Follette, Lewis, Logan, Lonergan, Long, McCarran, McGill, McKellar, McNary, Minton, Moore, Murphy, Murray, Neely, Norris, Nye, O'Mahoney, Overton, Pittman, Pope, Radcliffe, Robinson, Russell, Schall, Schwellenbach, Sheppard, Shipstead, Smith, Steiwer, Thomas of Oklahoma, Thomas of Utah, Townsend, Trammell, Truman, Tydings, Vandenberg, Van Nuys, Wagner, Walsh, Wheeler, and White.

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. BLACK. Mr. President, one of the tragic things about this measure is that there are some who are attempting to seize upon it for political advantage in order to try to prove their friendship for many voters in this country, although history does not record that in their political efforts in that regard heretofore they have raised the standard of living of those they claim to love, nor have they added to their opportunities for a more abundant life.

Some sentiment of that kind has been created, and therefore some of those who are so anxious at this time to have this measure voted upon that they vote practically in a solid block believe that by doing this they can cause the people of the country to forget their history with reference to economic affairs. I refer at this time particularly to those "regulars" on the other side of the Chamber who belong to the party of Mr. Mellon, and who subscribe to the idea that he was the greatest Secretary of the Treasury the world has ever known, and who hope by reason of this particular measure again to get a foothold in the political arena, and to cause the people to forget that in reality their interest is not in the large group of voters whom they hope to pacify and win by their action; but their desire is again to place the country in the grip of the same predatory and privileged interests that practically brought us to destruction at the end of 1929. It is a sad and tragic thing to me that some of those who are most liberal in their views, and who really honestly desire to raise the standard of opportunity of the great masses of American men and women belonging to all races, find themselves at this juncture fighting side by side with the apostles of special privilege and greed.

Mr. President, it is my belief that if any administration in all the history of mankind has shown an honest desire to raise the standard of living of the great masses of American men and women, it is the present administration. Whether or not one agrees with the methods adopted, it is difficult for me to understand how anyone can deny this fact.

We have under consideration at the present time by the Finance Committee a bill for social security, a bill which will affect millions and millions of American men and women, irrespective of race or creed or color. That bill, if enacted into law, will give a ray of hope to millions of men and women who are now in despair. It will not affect possibly 14 individuals; it will affect millions of individuals.

While I do not agree in detail with each of the provisions of that measure, in my judgment, it is one of the most forward and progressive steps for giving security to the underprivileged of this Nation that has ever been proposed since this became a self-governing country; and yet we find ourselves now unable in this body to continue preparation for that measure, to consider the payment of the soldiers' adjusted compensation, or to provide various other means of adding to the peace and hope and security of the men and women of the Nation, chiefly because, as I assert here, of the political pressure brought about, not in the main—and I do not refer to all individuals—by those who are really interested in the great masses of men and women of the country, but by some with the political hope that they again may seize the reins of government and continue to operate it not for the benefit of all but for the benefit of their favored few.

Mr. President, I had begun an analysis of the bill. I desire now to take up section 2, which provides that—

"If any State or governmental subdivision thereof fails, neglects"—

Note the word "neglects" again—

"or refuses to provide and maintain protection to the life or person of any individual within its jurisdiction against a mob of riotous assemblage, whether by way of preventing or punishing the acts thereof, such State shall by reason of such failure, neglect, or refusal be deemed to have denied to such person due process of law and the equal protection of the laws of the State—"

And for that reason, it is said, the bill is to be enacted.

At this point the reading was continued by the Chief Clerk, as follows:

Now let us refer for just a moment to the fourteenth amendment.

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. * * * nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Did any Member of the Senate hear me read the word "corporation" as I read the fourteenth amendment? He did not. The word "corporation" does not appear in the fourteenth amendment. Did Senators note that out of 529 cases during a period of 10 years, 285 cases decided by the Supreme Court applied the fourteenth amendment to protect corporations? What does this section of the bill say, and what does every section of the bill say? It refers to injuring a "person." What is a person? Has not the Supreme Court said what a person is? Does not the fourteenth amendment provide that if a person is injured in his property without due process of law it shall be contrary to the Constitution? Is there anyone who thinks the Court would decide differently as to the meaning of the word "person" if this bill should be taken before them? What is meant by injury to a person known as a corporation? One cannot commit an assault on a corporation. One cannot murder a corporation. One cannot destroy a corporation's life by shooting it with a gun. There is only one way in which a corporation may be injured, and that is by injuring its property; and here, in a bill which the press has heralded as an antilynching bill, we find it provided that if two or more persons get together, and, as a consequence, a corporation is injured, they are depriving that corporation of due process of law. Hiding behind a sentiment against lynching, it is proposed now to have enacted a law which will fit the predatory interests of the Nation, and, as I have previously stated, will crucify every labor organization which exists in the United States of America.

How can such a corporation get into a Federal court? It is a very simple process; it requires only an affidavit. Every lawyer here knows how one now gets into a Federal court with a case involving over $3,000.

I might take occasion at this juncture to say that this is not the first time I have objected to more jurisdiction being given to the Federal courts. The great senior Senator from Nebraska [Mr. NORRIS] has had pending in this body for quite a number of years a bill which would reduce the jurisdiction of the Federal courts, and, if I am not mistaken, a great many of those who are here, and some who have indicated they would favor the so-called antilynching measure, have supported the bill of the Senator from Nebraska.

If it be right to reduce the jurisdiction of the Federal courts instead of increasing it, as proposed by the bill of the Senator from Nebraska, why should we now rush over ourselves in order to add more jurisdiction to the Federal courts, presided over by judges appointed for life, to have them take jurisdiction of the matters affecting the daily life and customs and habits of the people of the country, and particularly to rush into the Federal courts the organized workers of the Nation every time three or more of them gather together?

Do not be deceived. If this bill should be enacted at the next session, Congress would be asked to reduce the number defined as a mob from 3 to 2, or to 1, and it would likely be done. It would certainly be done if those who have adopted reactionary policies should succeed in their political maneuvering and again find themselves where they can control the laws of the Nation.

Mr. President, there is no argument which can possibly be advanced to justify the conclusion that a murder committed by three can be removed to a Federal court and a murder committed by two must remain in a State court. There is no person who can advance any argument to sustain the contention that a murder committed by three can be removed to a Federal court and the murder committed by one can only be tried in a State court. So we find ourselves in this situation: The Federal Constitution leaves to the States the right to determine the type of criminal laws they will enact, and yet the Federal Congress is asked to say, "After you have enacted these laws, if you do not prosecute the violators and punish them within 30 days, we will take out of the hands of the State courts the right to prosecute and punish at all."

With reference to the provision in section 2 of the bill, that if the State neglects to perform its duties it shall be considered to have deprived someone of the equal protection of the laws, I have just a word to say. Note that that has no reference whatever to whether a man is a prisoner or not. It is not limited to natural persons; it includes artificial persons, which would cover corporations.

Let me invite attention in this connection to just what the committee reports a State to be. In other words, how does a State act? How is it going to neglect its duty? Let us turn to page 6 of the report, where I read the following from the brief:

"For the same reason the prohibitions of the fourteenth amendment apply to local officers as well as to the State-wide officers, for officers of counties, States, or other local subdivisions of government are in the ultimate analysis the repository of the power of the State. * * *

"So likewise in *Yick Wo* v. *Hopkins* (118 U. S. 356)"—

Which case went up from California—

"it was held that a municipal ordinance to regulate the carrying on of public laundries within the limits of the city of San Francisco, which conferred purely arbitrary power upon the municipal authorities to give or withhold consent, was violative of the fourteenth amendment. * * *

"In *Tarrance v. Florida* (188 U. S. 519) Mr. Justice Brewer, speaking for the Supreme Court said:

"'The contention of plaintiffs in error is that they were denied the equal protection of the laws by reason of an actual discrimination against their race. The law of the State is not challenged but its administration is complained of. * * *

"'Such an actual discrimination is as potential in creating a denial of equality of rights as a discrimination made by law.'"

Again, it is said on page 6:

"In *Virginia* v. *Rives* (100 U. S. 313) it was said:

"'It is doubtless true that a State may act through different agencies, either by its legislative, its executive, or its judicial authorities.'"

Let me call attention to what this means. It means that the Governor of every State is brought within the provisions of the measure. It means that a charge can be made against a Governor for failure to have a man apprehended, to have a man tried, and to have a man convicted. It does not recognize the fact that the States have a right to try an accused man, but it means that the Governor places himself within the scope of this proposed law if he is negligent in the performance of his duty as Governor, and that question would have to be determined by the court and by the jury.

What else does it mean? It means that where a case was tried in court a charge could be made that the judge had been negligent in charging the jury. The charge could be made that he had been negligent in permitting certain evidence to be introduced in the case, or that he had been negligent in failing to reprimand counsel because counsel had made a statement which should not have been made, and the judge would be brought within the scope of the act, and he could be tried. It means that every prosecuting attorney in the Nation would have his actions reviewed in order to determine whether he had been properly diligent in prosecutions.

A few days ago the Supreme Court rendered a decision directly to the contrary of this hypothesis. The Supreme Court handed down a decision to the effect that it was not merely the duty of a prosecuting attorney to convict; that one of the highest and most sacred duties of a prosecuting attorney was to see that each side had its case properly presented to the jury. But under the pending measure the district attorney must walk with caution; he must plant his feet with care; because, forsooth, if he neglects to perform a single duty he can be taken into a Federal court and tried, under the proposed law, for neglecting to perform his duty, and he can be sentenced to the penitentiary for a period of 5 years.

Mr. President, I do not believe there has ever been a civilized nation on earth which would send a man to the penitentiary for 5 years for plain simple negligence. Yet those who have glibly said they are for the pending measure, if they vote for it, must vote to make it a crime to be negligent in the performance of duties and to convict a man and to put the stigma of a felon upon him for negligence, and to send him to the penitentiary for 5 years. Someone raised a question about this statement a few moments ago and asked me where that was provided, and I read the provision.

Let us go now to section 3. If this were merely an antilynching bill, as it has been so widely heralded to be, there would be no reason in the world for having any more in section 3 than the parts included in lines 15 to 24. Lines 15 to 24 provide that any person or employee of a State shall be included—and, remember, that means governor, lieutenant governor, attorney general, secretary of state, probate judges, circuit judges, supreme court judges, inferior court judges, prosecuting attorneys, policemen, constables, deputy constables, street sweepers, all the employees of the State. If any Senator has any doubt about it including all of them, let him read the report of the committee which reported the bill to the Senate. If any one of these "who is charged with the duty or who possesses the power or authority as such officer or employee to protect the life or person" and, remember, "person" includes a corporation; it included it in the fourteenth amendment, and it includes it here, and there is nothing in the world which can be said to deny that it includes a corporation "to protect the life or person of any individual injured or put to death by any mob or riotous assemblage or any officer or employee of any State or governmental subdivision thereof having any such individual in his custody" note "who fails, neglects, or refuses to make all diligent efforts to protect such individual from being so injured or being put to death" then such person "shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years."

What does that mean? That includes the judge of the county. He certainly is charged with responsibility for protecting the lives and persons of individuals put to death. The judge and prosecuting attorney certainly are charged with the duty of attempting to protect them. It includes them all. And not that for the first time in the history of any civilized government, except a despotism, so far as I have been able to read history, we propose to give the Central Government the power to send the prosecuting attorney to the penitentiary because a jury might think he had been too fair to the man he was prosecuting as a criminal.

I had always subscribed to the idea that a man was entitled to a fair trial; that he was entitled to be presumed innocent until he had been proven guilty beyond a reasonable doubt. I had thought that the laws of this Nation, instead of attempting to hold a club over prosecuting attorneys to force them to prosecute with harshness and with vigor, really were designed to the end that those carrying them out would act as the Supreme Court of the United States said last week they should act—to try to convict only the guilty, but to protect the innocent. But, lo and behold! in this bill, which is called an antilynching bill, we have a new and novel doctrine announced in this democracy for the first time. Each prosecuting attorney, all over this Nation, when he is called upon to prosecute a man charged with a crime, has a sword of Damocles hanging over his head, with the knowledge that if he fails to prosecute as vigorously as some think he should he can be taken into the Federal court and there tried and sent to the penitentiary.

Let us suppose, as has frequently happened, that a strike has occurred. An individual miner or trainman—and I have tried both of them on such charges—may be charged with injuring a strikebreaker. It is charged that three of them were present. Suppose a prosecuting attorney should decide the man was not guilty. Would he dare to tell the jury so? He would not. Would that prosecuting attorney dare to rise from his chair and tell the jury, "I believe that the killing of this miner was justified"? He would not. Why would he not? Because he would know that his Government, the Government of the United States, a democracy, had passed a law which subjected the prosecuting attorney to 5 years' imprisonment and to have the stigma of felony put upon his brow if he neglected to do everything he could to convict that man.

Mr. President, let all who desire secure any political advantage they may think is theirs from attempting to force such a bill upon the American people. If it should pass, time will tell who was right. I state that there is no class in America which would be more injured by this bill than those who belong to the colored race, whose wages have frequently been so low as to be a crime against civilization and against decency, and whose wages have been raised more by organization of men than by any other method, and, practically, that has been the only method by which their wages have been raised, until the present administration began to secure the enactment of its legislative program.

I realize that someone may say, "Well, there has been some kind of a recommendation of this bill by organized labor." That is wholly immaterial. I make the assertion that if this bill should become a law, within 2 years from the date it was signed and went into operation there would be the greatest change in the position of organized labor this country has ever known in a like period of time, because this law would crucify organized labor, and the man in the ranks would know what was the matter.

I do not yield to any man on this floor in my loyalty to the ideas of good working conditions for the people of this country, white or black, or any other type. I yield to none in the desire to see that they receive an honest compensation for an honest day's work. If I had my way about it, I would make the minimum wages higher than they now are. I yield to none in my desire to see that they have good working conditions as to hours and the conditions in which they toil. But I state, Mr. President, that nothing could be more absurd or more ridiculous than for people to come here at one session of Congress and fight and become elated over a victory which prevents the issuance of injunctions by Federal courts against strikers, and at the very next session of Congress come into this body and offer and pass a bill which makes a mob of any three or four strikers who gather together, as a consequence of whose actions somebody is injured or killed.

I pointed out a few moments ago that the injury can be to a corporation and that the injury can be to the corporation's property. It will be useless to pass 7 (a)'s; it will be useless to pass labor-disputes bills; it will be useless to set up a vast machinery to protect the rights of laboring people to organize, if at the same time we shunt them off into the Federal courts, the place they have always abhorred and detested, every time three or more of them are gathered together and somebody's property is injured or some person is injured.

I make another statement. The matter of injury to a corporation or its property cannot be eliminated from a bill of this type. It cannot be done. The Constitution says that laws must apply with uniformity. There is no attempt to eliminate those matters in this bill in the form in which it now appears. They are included. And yet we find that sometimes, perchance, the unions elect a sheriff, and, of course, when they do it is charged that he is too friendly to them. Now, let us suppose that such a condition has existed in a county, and there is a trial held in that county. The sheriff goes down and makes an investigation, reaches the conclusion that the strikers did not commit the crime they are alleged to have committed at all; that strike breakers had been utilized to plant an apparent crime. Suppose the sheriff should decline to arrest the strikers. Do Senators think that he would dare decline to arrest them if somebody told him they were guilty? If he did, an affidavit could be made in the Federal court and the sheriff could be taken in and given 5 years' imprisonment for failure to perform his duty.

Let us consider the next part of this section:

"Any officer or employee of any State or governmental subdivision thereof who is charged with the duty of apprehending," note this language, "apprehending," that means catching. That includes the Governor and the sheriffs and the constables and police, "keeping in custody," that would include the sheriffs and the judges, because the judges have a responsibility with reference to keeping in custody "or prosecuting any person," that includes the district attorney and the attorney general "or prosecuting any person participating in such mob or riotous assembly," note "who fails, neglects, or refuses to make all diligent efforts to perform his duty in apprehending, keeping in custody, or prosecuting to final judgment under the laws of such State all persons so participating, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years."

What does that mean? It means that every time a prisoner escapes, somebody may have the Governor tried; it means that if the prosecuting attorney fails to prosecute he may go to the penitentiary; and the trial is taken away from the State where the crime was committed and is conducted by the Federal court. We find that some of those who have said that they favored the bill of the Senator from Nebraska, designed to reduce the power of the Federal courts and their jurisdiction, in line with the fight made by Mr. Jefferson in the early days of the Republic, are now anxious to throw thousands of cases into those courts under the bill which is here pending, for, I assert, that even a careless reading of it will show that it is not limited to lynching.

Mr. CONNALLY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Truman in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names: Adams, Ashurst, Austin, Bachman, Bailey, Bankhead, Barbour, Barkley, Bilbo, Black, Bone, Borah, Brown, Bulkley, Bulow, Burke, Byrd, Byrnes, Capper, Caraway, Carey, Clark, Connally, Coolidge, Copeland, Costigan, Couzens, Dickinson, Dieterich, Donahey, Duffy, Fletcher, Frazier, George, Gerry, Gibson, Glass, Gore, Guffey, Hale, Harrison, Hastings, Hatch, Hayden, Johnson, Keyes, King, La Follette, Lewis, Logan, Lonergan, Long, McCarran, McGill, McKellar, McNary, Minton, Moore, Murphy, Murray, Neely, Norris, Nye, O'Mahoney, Overton, Pittman, Pope, Radcliffe, Robinson, Russell, Schall, Schwellenbach, Sheppard, Shipstead, Smith, Steiwer, Thomas of Oklahoma, Thomas of Utah, Townsend, Trammell, Truman, Tydings, Vandenberg, Van Nuys, Wagner, Walsh, Wheeler, and White.

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, a quorum is present.

(At this point Mr. Schall presented a letter, which was referred to the Committee on Agriculture and Forestry relative to the eradication of cattle diseases. His remarks and the letter appear elsewhere under the appropriate heading.)

Mr. BLACK. Mr. President, the interruption of the Senator from Minnesota [Mr. Schall] reminds me that he has placed in the Record several speeches vigorously upholding the rights of the States; it reminds me that he and others on the other side have been attacking the present administration to some extent for what they said was an invasion of the rights of the States. This bill would take away from the States which they represent the right to try in the local State courts any crime committed by more than three persons resulting in the injury or death of an individual, and would subject their sheriffs, their prosecuting attorneys, their judges, their Governors, their policemen, and constables and their deputy constables to trial in the Federal court, with a punishment of 5 years in the penitentiary for negligence in the performance of their duty. Yet great speeches have been made on State rights.

Mr. President, with reference to subdivision (b) of section 3, on page 3, I will state that if any Federal antilynching law be justifiable that section should be adopted. I have no criticism of subdivision (b) of section 3, if it be justifiable to enact a Federal anytilynching law. I will state, however, that that section provides a 25-year punishment for an official who conspires to murder. In Alabama the punishment is death or life imprisonment; but if it be thought desirable to reduce the punishment provided by a State to 25 years' imprisonment, it will be perfectly all right to enact subdivision (b) of section 3. I may state that the records will disclose that in Alabama the law to which I refer has been invoked and juries have recognized it.

Now let us get down to section 4. I particularly call the attention of the gentlemen who are interested in the rights of their States and the rights of their State courts to section 4. That section confers jurisdiction on the district court in the district "wherein the person is injured or put to death by a mob or riotous assemblage." Of course, if by this bill we shall confer jurisdiction on the Federal courts where the killing or injury is brought about by three or more, we will reduce it to one the next time, because if it is proper to prosecute in the Federal court three who kill a man, it is just as necessary to prosecute one.

I deny the logic and the consistency of those who are so interested in the rights of individuals that when a murder is committed by three or four persons they would send the case to the Federal court, but if a murder is committed by one man they would have him tried in the State court.

"SEC. 4. The district court of the United States judicial district wherein the person is injured or put to death by a mob or riotous assemblage shall have jurisdiction to try and to punish, in accordance with the laws of the State where the injury is inflicted or the homicide is committed, any and all persons who participate therein."

That is the way jurisdiction is to be given to the Federal court, this great haven of refuge, the Federal court; this great repository

of knowledge and wisdom and justice, the Federal court; this great safeguard presided over by men appointed for life by an individual who is so much better qualified to preserve the rights of the people than is a court presided over by a man elected by the people themselves.

It is a little strange to me that in the main those who we would suppose would stand by the old liberal theory of letting the people elect as many of their officials as possible are pushing with vigor the idea of doing away with the State courts for the protection of the people and seeking to send them into a court whose judges they do not elect.

If I had my way, the Constitution of the United States would be amended so as to provide that Federal judges should be elected, because I believe in a democracy, and I believe in the election of judges by the people themselves. It has been said that judges so elected might be amenable to the people. Why should they not be? Whose Government is this? Does it belong to one man who has the appointing power? Do Senators who think that all wisdom and all justice repose in the Federal court subscribe to the gospel that we should extend still further the appointment of officers instead of having them elected by the people? I wonder if Senators on the other side who pay lip service to the man who said, "Government of the people, by the people, and for the people," want the people to elect their judges, or if the reason why some of them are supporting the pending motion is that it is not seen that under the bill citizens can be rushed from all over the Nation into the arms of the Federal court, there to have their rights determined by a judge appointed for life.

So far as I am concerned, I am perfectly willing to trust to the justice of the people rather than to the justice merely of judges appointed for life. Let Senators who subscribe to the great principles of democracy explain why it is they want to rush thousands of cases into courts presided over by the very judges who issued the very injunctions which some of them have been condemning on the floor of the Senate and to prevent which they favored prohibitory legislation. There is no defense for such a position. The bill places under the jurisdiction of the Federal court every one of the strikers whom we endeavored to protect by the enactment of the Norris-LaGuardia bill. The pending bill will throw them back into the Federal court. Not only would it throw them back to that court, but, sad to relate, it would take away the last chance they have to hope for a judge who might not be unfriendly, for a sheriff who might not be unfriendly, for a prosecuting attorney who might not be unfriendly, none of whom would dare to place his neck in the Federal noose when he knew any special officer or any strikebreaker could, by a simple affidavit in a Federal court, take that judge or sheriff or prosecuting attorney, or even the Governor, into the Federal court, and, if he were convicted, subject him to a sentence of at least 5 years in the penitentiary—and all this in the name of protecting members of the colored race!

Mr. President, I yield to no man in my hostility and my antagonism to the crime of lynching; I make no defense for it; I have none to make; it is abhorrent to me; but in the name of antilynching, to crucify the hopes and the aspirations of the millions of workers of the country is beyond my conception and beyond my comprehension.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. MOORE in the chair). Does the Senator from Alabama yield to the Senator from Florida?

Mr. BLACK. Certainly.

Mr. FLETCHER. The Senator this morning mentioned that Alabama was charged with a lynching last year. He denied the charge, and stated there was no lynching in Alabama last year.

Mr. BLACK. That is true; there was no lynching there last year.

Mr. FLETCHER. I am wondering if there has been some duplication in the propaganda touching upon the bill. For instance, it is charged there was a lynching in Jackson County, Fla., last year. I telegraphed the secretary of state to furnish me with a statement giving the established and essential facts in connection with that lynching in Jackson County.

It appears from the statement that the officers arrested a criminal and, in order to escape the pursuing crowd, or mob, if you will, took him from Marianna to Panama City, then to Pensacola, and thence to Brewton, Ala. It was at Brewton that the mob, or pursuing crowd, overtook them and captured the criminal, whence they brought him back into Jackson County, Fla.

It is possible there has been some duplication with reference to this matter. It may be that Alabama was charged with this lynching because the man was seized in Alabama and taken back to Jackson County, Fla., where he was lynched.

I merely mention that in passing. Then the thought occurred to me that if the bill should be enacted into law, why could not the sheriff and other officers, even the county and State officers of Alabama, be pursued for violation of the provisions of the bill, although they were in nowise responsible for what occurred in any way, and at the same time the officers in Florida could be pursued for the same offense?

If the Senator will permit me, I should like to have the clerk read the telegram from the secretary of state of Florida. It states the facts with reference to that occurrence in Jackson County.

Mr. BLACK. I am glad to yield for that purpose.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The Chief Clerk read the telegram, as follows:

TALLAHASSEE, FLA., *April 27, 1935.*

Senator DUNCAN U. FLETCHER,

Senate Office Building, Washington, D. C.:

Further reference your wire, Marianna lynching, am advised by press representatives that Claude Neal, Negro, was lynched somewhere in Jackson County on night of October 25, 1934, by mob of men who claimed he had attacked and killed Lola Cannidy, white farm girl. Girl's body was found on father's farm, and search immediately was started for Neal. He was arrested by Jackson County officers, who spirited him from Marianna to Panama City, then to Pensacola, and then to Brewton, Ala., in effort to escape pursuing mob. After Negro was placed in jail at Brewton, mob appeared and demanded his custody, finally overpowering jail guards and taking Negro. Returning to Jackson County, so far as best information available indicates, mob lynched Negro, and at dawn strung his body to limb of tree in city of Marianna. Family of Miss Cannidy claimed Negro had attacked and ravished her and had killed her and attempted to conceal body in order to prevent discovery of his attack.

R. A. GRAY, *Secretary of State.*

Mr. BLACK. Mr. President, I was discussing section 4 of the bill, which provides that cases can be removed into the Federal court in this manner:

"*Provided,* That it is first made to appear to such court (1) that the officers of the State charged with the duty of apprehending," note, now, "apprehending," that is the executive officer, "prosecuting," that is the district attorney, "and punishing," that is the court, "such offenders."

The statement is that it must be made to appear that they failed to apprehend, prosecute, or punish. Suppose they try the man and turn him loose. They have failed to punish him. The Federal court will have jurisdiction of the crime if this bill shall be enacted. Former jeopardy cannot be pleaded because of an acquittal in a State court; so, in order to be absolutely sure of conferring jurisdiction, the proponents of this bill go to the extent of providing that if the offender has not been punished—in other words, if he has not been convicted—then, upon one affidavit made by one person, the case can be removed to the Federal court, the repository of wisdom and justice presided over by a man appointed for life, and there tried after he has already been prosecuted.

Not only that; 30 days is all the State is allowed in which to try him. I may be wrong, but I was told not long ago, when an Alabama Federal judge was sent to the city of New York to help try cases in the Federal court in the city of New York, that they were trying cases that were 4 or 5 years old in the Federal courts of the city of New York.

In this bill it is made prima facie evidence that the States are failing to do their duty if they do not apprehend, catch, prosecute, try, and convict within a period of 30 days. In other words, when the State does not try the offender in 30 days, remove the case to the Federal court so that there can be a delay of 5 years before trying him.

Mr. President, if it be true that a case is to be removed from the State court because the jurors who are drawn in that court are not in sympathy with the prosecution, why should we limit that procedure to one type of case? It has been charged in various sections of the country that it is difficult to convict in the courts persons who belong to certain political organizations. Why not bring them within the bill? It was charged several years ago, for instance, in the city of Chicago that it was impossible to convict before the juries of the State courts anybody who belonged to a certain political ring. Why not bring them in, if the juries will not convict? It has been charged from time to time—whether or not it is true I do not know—that in certain instances it has been impossible to convict in the city of New York persons who were closely associated with Tammany. If that be true and an affidavit to that effect can be made, why should not that case be removed to the Federal court, where different types of jurors can be obtained?

In other words, if we are going to establish a precedent of removing cases from the State court upon the ground of prejudice of jurors, why should that procedure be limited to a single type of case? Why should we not, in order to obtain justice, have them all taken over by these repositories of wisdom and justice, the Federal courts of the United States?

Now, what happens? The State has failed to catch, prosecute vigorously, and convict in 30 days. We have a so-called "trial," we will say, after this bill is enacted. As the case is tried the shadow of this bill is in the face of the judge.

The shadow of this bill is in the face of the prosecuting attorney. The shadow of this bill is in the face of the sheriff. Each one of them, as he looks over at the little defendant, perhaps a poor and humble man, perhaps nothing more than a miner belonging to a union, making $6 a day, he feels sorry for him. Perhaps they think, perchance, he is not guilty. Perhaps there enters into their minds the thought that the crime was "planted" on him. What do they do? Do they dare raise their voices and tell the jury that? They do not. The shadow of this bill haunts them, even as they lie down and try to sleep, with the picture of the defendant fresh on their waking vision. They know that if they do not prosecute with all the vigor possible, if they are not vicious before the jury, somebody will go into the Federal court and swear

that the prosecuting attorney neglected his duty, that the sheriff neglected his duty, that the judge neglected his duty. Therefore, we find a trial not according to the democratic institutions of this country, where a man is supposed to have the benefit of a reasonable doubt, but we have a trial with the shadow of the heavy hand of the Federal judiciary hanging over the accused man, hanging over the defendant, hanging over the judge, hanging over the jury, because the jury is a part of the trial. Yet it is said that somebody is going to get some political advantage out of trying to pass a bill such as that!

It is a travesty and a crime against the sacred and traditional principles of justice of the American people even to introduce a bill which places the threat of the stamp of infamy upon the brow of a district attorney because, perchance, he neglects to prosecute as vigorously as somebody thinks he should prosecute. That is in the bill. Let him who says it is not in the bill rise to defend it. I have just read it.

Then, Mr. President, what is done? We will assume, now, that the sheriff has been tried and convicted; the district attorney has been tried and convicted; the judge has been tried and sent to the penitentiary. The Governor of the State has been taken; and, not satisfied with that, those who consider themselves injured sue the county and obtain a judgment. Then they levy on the courthouse. What does the bill provide?—

"Such court shall have jurisdiction to enforce payment thereof by levy of execution upon any property of the county."

Who owns the courthouse? The county. Who owns the jail? The county. It is true that they would be practically useless if this bill should pass. Perhaps there is no reason why the courthouse and the jail should not be levied upon. They would cease to serve any useful function in any State in the Union, they would cease to have any place, because there would be nothing left to be done there. Certainly no one should call a courthouse a temple of justice if, as a defendant charged with a crime is tried, the district attorney and the judge and the sheriff and the officials stand there cowering with fear because they feel the possibility of the heavy hand of the Federal judiciary, backed, if need be, not only by the marshal but by the tramping march of Federal troops. That is what occurred before. Of course it did not work. No greater injury was ever done the Negro population of the South than by the laws which were put on the statute books during reconstruction days.

Mr. NORRIS. Mr. President, I should like to ask the Senator a question about section 4, which he is now discussing.

Mr. BLACK. I yield to the Senator.

Mr. NORRIS. That section provides that—

"The district court of the United States * * * shall have jurisdiction to try and to punish, in accordance with the laws of the State where the injury is inflicted or the homicide is committed, any and all persons who participate therein."

Then follows the proviso which is the remainder of the section. Before the court has jurisdiction to try the offender the finding must be made, as I understand, as provided in the proviso. Suppose there is a dispute about that; where will that question be tried?

Mr. BLACK. The Federal judge will try it.

Mr. NORRIS. Will the case have to be tried in the Federal courts before the warrant is issued It has not any jurisdiction to try until a certain finding is made. In order to give the court jurisdiction, even before the man is arrested, will it not be necessary first to determine?—

"That the officers of the State charged with the duty of apprehending, prosecuting, and punishing * * * under the laws of the State * * * have failed, neglected, or refused to apprehend, prosecute, or punish * * *."

Will not that finding have to be made somewhere?

Mr. BLACK. Yes.

Mr. NORRIS. Will not that finding have to be made in order to give the Federal court jurisdiction to try the defendant?

Mr. BLACK. That is true, except that the Senator will notice that the failure must be for a period longer than 30 days.

Mr. NORRIS. That is another fact which would not be difficult to determine, because 30 days is fixed. But before the court could try a defendant he would have to be satisfied that the officers had failed or neglected to do their duty.

That question would have to be tried somewhere if the officers denied it. Suppose the officers said, "We have not failed. We have done our duty. We have done the best we could." If they had a trial first to determine whether or not they had done their duty, and if it was found on that trial that they had done their duty, had done the best they could, then the court would not have any jurisdiction. And would not that finding have to be made before a warrant could be issued? There is no doubt it would have to be made before the man could be tried. So the warrant would be issued and the man could not be tried, even though he were willing to be tried, but the court would first have to try this other question.

Would there be a jury trial of the preliminary question? Would not the court have to determine that, and would not the court take evidence on that controverted question and determine it, before he would proceed to the trial of the defendant? Or would it all be in one trial, and when the defendant came to be tried, would evidence be offered both pro and con as to what the officers had done or neglected to do about their duty? I do not see just where we would be with such a provision in the law.

Mr. BLACK. I will state to the Senator that my judgment about it is that all that would be required would be an ex parte affidavit from some individual upon which the judge could act. That is the way they have acted in the removal of other cases.

Mr. NORRIS. I think it would require more than that.

Mr. BLACK. The bill does not so provide.

Mr. NORRIS. It reads, "*Provided*, That it is first made to appear to such court." The court must be satisfied. It is a matter of fact whether or not an officer has done his duty. It must be made to appear to the court. An officer would have a right to offer evidence and to say, "I have done my duty," would he not, before the court made a finding?

Mr. BLACK. I would think so had I not had experience with the Federal court in just exactly that regard. Under the present law, as I recall it, while I am not sure about the exact language, it is provided that if certain things appear to the judge, a case shall be removed. I recall in one instance that certain things did appear to the judge through an ex parte affidavit, and he removed a case to the Federal court, when I had evidence showing the facts to be entirely different from those shown in the affidavit. I made a motion to remand the case to the State court. In one instance out of perhaps fifty in which I have made such a motion I have succeeded in obtaining a removal back to the State court. I found that the Federal courts, like all other courts, want all the jurisdiction they can get, and my judgment is that under the proposed law all that a court would require would be an affidavit, and he would bring the parties in.

Mr. NORRIS. Then, the Senator thinks if he were an officer charged with neglect of duty, and I made an affidavit that the Senator had neglected his duty, it would be taken as conclusive before the court, and the Senator would not have a right to deny it?

Mr. BLACK. I think it would be taken as conclusive so far as a trial in that court was concerned, unless I made a motion to remand.

Mr. NORRIS. But the court must make a finding of fact in order to give him jurisdiction.

Mr. BLACK. That is correct.

Mr. NORRIS. If there is a dispute about that provision, let us go on to the next provision. I have not gotten through with referring to what must be shown.

The second thing is, "if it shall be made to appear to the court," I am reading what comes immediately after the proviso, but that applies to point No. 2 just as it does to No. 1. I take it there is no dispute about that.

Then, if it shall be made to appear to the court—

"That the jurors obtainable for service in the State court having jurisdiction of the offense are so strongly opposed to such punishment that there is probability that those guilty of the offense will not be punished in such State court."

What action would the court have to take about that? An affidavit would not be sufficient, would it? Before the court could try the defendant charged with a neglect of duty he would have to find that the jurors of a particular county where the offense was alleged to have been committed were so prejudiced that he could not get a jury which would convict; that they would be friendly to the defendant, in other words.

Mr. CONNALLY. Mr. President, may I inquire of the senior Senator from Kentucky [Mr. BARKLEY] as to his purpose with regard to recessing or adjourning at this time?

Mr. BARKLEY. Mr. President, I had hoped the reading of this interesting discourse might be concluded before taking a recess. It is my purpose, when the Senate shall have finished today's business, to move a recess until tomorrow.

Mr. CONNALLY. I may say I had understood the Senator would move a recess about 5 o'clock. There is a great deal more of the address, as I understand, and it will take considerable more time to finish it.

Mr. BARKLEY. It is not yet 5 o'clock. I think I said 5 or 5:30.

Mr. CONNALLY. No; the Senator said 4:30 or 5.

Mr. BARKLEY. No; the Senator misunderstood me. I think the reading should be finished before the Senate quits for the day. There are only two or three more pages, as I understand. I know the Senator from Texas has some interesting remarks to submit on the discourse which is being read. I should like the Senator to be patient until the reading shall have been finished.

Mr. CONNALLY. Knowing how anxious the Senator from Kentucky is to hear the remainder of this address, I think he should agree to suspend at this time. I think he ought to have the time between now and tomorrow noon to digest what has already been read.

Mr. BYRNES. Mr. President, may I ask the clerk, through the Presiding Officer, how many more pages of this speech are to be read?

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). The clerk informs the Chair there are 14 more pages.

Mr. BARKLEY. Mr. President, how often does this discourse lengthen in number of pages? Just a little while ago I made inquiry and at that time was informed there were only two or three more pages to be read. If there are actually 14 more pages, of course I am not going to ask the Senate to remain in session for the length of time that much reading would take. Is this a speech with a rubber terminal that lengthens as it goes?

The PRESIDING OFFICER. Apparently it lengthens as it goes.

Mr. BARKLEY. I think we should continue until 5 o'clock, at least.

Mr. CONNALLY. I thank the Senator.

The PRESIDING OFFICER. The clerk will continue the reading.

The Chief Clerk resumed and continued the reading as follows:

An affidavit made by someone that that was the state of affairs in that county would not in any court on earth be taken as conclusive. Would not the court take the other side of it? Would the court accept affidavits? Perhaps the court would say, in making its finding, "I will submit that question to a jury." So, while one case is on trial, with the jury impaneled, the judge would stop that case and take up another case and try that before a jury, and see what their finding was, and, depending on their finding, would decide whether the other jury could go on with the other case.

Mr. BLACK. I think that could be done under the bill. I have no question about it.

Mr. BORAH. Mr. President, under the bill, the question of a change of venue to another county is eliminated entirely, is it not?

Mr. BLACK. Oh, yes; that is eliminated. It is changed now to the Federal court.

Mr. NORRIS. The Senator will undoubtedly remember, from his long experience, that a question often arises in State courts in regard to a change of venue. When that kind of a case has arisen, I have never known a court to presume for a moment to take an affidavit of some individual that the people of the county were prejudiced and remove a case on such a statement alone, without giving the other side an opportunity to be heard.

Mr. BLACK. That is the procedure in my State as to change of venue. There is a hearing, and a decision is reached by the court.

Mr. NORRIS. Yes; but in the meantime what happens to the other case?

Mr. BLACK. It will probably take a little more than 30 days to reach a decision on that, so we have 30 days more.

Mr. NORRIS. It is a question whether that finding would not have to be made in order to give jurisdiction even to start the criminal case by the issuance of a warrant.

Mr. BLACK. Mr. President, of course a fine of $2,000 to $10,000 would be a very insignificant thing to any county where there was a population of a million or two or three million; but $10,000 is not an insignificant amount to many of the counties in the United States. There are today counties where, on account of economic conditions over which the citizens of the county have no control, it might be very difficult to find any one man in the county actually worth as much as $10,000. To a small county a $10,000 penalty would be a very serious imposition.

It is interesting to note the theory upon which the right to impose a penalty on a county is based. Several years ago, in reading Macaulay's History of England, I found the beginning of the idea of imposing a penalty upon a county. It came into England from Denmark. The idea at that time was that when the hue and cry was raised every citizen had to respond and make an arrest. There were few sheriffs and few officers charged with the duty of apprehending criminals.

When the Normans conquered England, it was found, as had always been the case, that there was great antagonism between the Normans and the Saxons and the original natives of England. The result was that there were a great many Normans who were found murdered from time to time; and since they were in control of the country in those days, which some of us might now call primitive, a law was enacted which imposed a fine upon each hundred, the hundred being somewhat similar to the present township. The theory was that those citizens must apprehend the criminal.

That law did not work very satisfactorily, because it was found that in the poor hundreds usually one man or two men had to pay the entire penalty, men who had nothing whatever to do with the affair and knew nothing about it until after it had occurred. Since the law provided that the penalty must be imposed when anyone of French descent was found murdered, the result was that the bodies were mutilated, and it became impossible to determine from the dead body whether it was that of a Frenchman, a Norman, a Saxon, or a native Englishman. So that law was amended and there was used the prima facie clause which we have in the pending measure, and it was provided that if any dead body was found it should be presumed to be that of a man of French descent. Before very long it was found that did not work, some of the books stating that an individual would simply disappear and no body could be found. So the law was repealed. One of the great writers on law says that since those primitive times—he uses that term—a more equitable system of imposing punishment has been adopted, and that an effort has been made to punish those who commit the crime rather than to punish the innocent.

In the pending bill we find that a fine is to be imposed upon a county; and if the county is unable to pay, those who claim to be injured can levy on the courthouse or jail—and the hospital, I assume. They probably would take them all. If there happened to be a county hospital, of course, it would be far more important to have the judgment paid than to operate a hospital for the benefit of the sick and the needy. It would be far more important to have the judgment paid than to keep the doors of the courthouse open.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, will the Senator yield to me in order to bring this proceeding to a conclusion as soon as possible?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. I yield to the Senator for a recess.

Mr. BARKLEY. That is what I have in mind, after a short executive session.

Mr. CONNALLY. I yield.

Mr. BARKLEY. Mr. President, it is evident that we cannot conclude this matter tonight. Therefore I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

REFERENCE OF TREATIES AND NOMINATIONS

Mr. BARKLEY. Mr. President, I ask for the entry of the order which I send to the desk.

The PRESIDING OFFICER. The order will be read.

The order was read, considered by unanimous consent, and agreed to, as follows:

Ordered, That on calendar days of the present session of the Congress when no executive session is held, nominations or treaties received from the President of the United States may, where no objection is interposed, be referred, as in executive session, to the appropriate committees by the Presiding Officer of the Senate.

LEGISLATIVE SESSION

Mr. BARKLEY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed legislative session.

DEATH OF REPRESENTATIVE HILL OF OKLAHOMA

The PRESIDING OFFICER. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The resolutions (H. Res. 347) were read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
November 15, 1937.

Resolved, That the House has heard with profound sorrow of the death of Hon. ROBERT P. HILL, a Representative from the State of Oklahoma.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect, the House do now adjourn.

Mr. THOMAS of Oklahoma. Mr. President, I offer resolutions for which I ask immediate consideration.

Mr. CONNALLY. Mr. President, the Senator from Texas has the floor as I understand. I yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The resolutions will be read.

The resolutions (S. Res. 196) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate Resolution 196

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. ROBERT P. HILL, late a Representative from the State of Oklahoma.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

RECESS

Mr. THOMAS of Oklahoma. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 5 o'clock and 3 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, November 17, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 16, 1937

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons for appointment in the Foreign Service of the United States of America to the offices to which they were appointed during the last recess of the Senate, as follows:

William Dawson, of Minnesota, formerly Envoy Extraordinary and Minister Plenipotentiary to Colombia, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Uruguay, vice Julius G. Lay, retired.

Stanley Hawks, of New York, now a Foreign Service officer of class 5 and a secretary in the Diplomatic Service, to be also a consul of the United States of America.

Edwin A. Plitt, of Maryland, now a Foreign Service officer of class 5 and a consul, to be also a secretary in the Diplomatic Service of the United States of America.

The following-named Foreign Service officer of class 2 and consul general to be also a Secretary in the Diplomatic Service of the United States of America:

John P. Hurley, of New York.

The following-named Foreign Service officers of class 5 and consuls to be also secretaries in the Diplomatic Service of the United States of America:

David C. Berger, of Virginia.
Hiram A. Boucher, of Minnesota.
Austin C. Brady, of New Mexico.
Charles C. Broy, of Virginia.
James G. Carter, of Georgia.
Harris N. Cookingham, of New York.
John Corrigan, of Georgia.
Leonard G. Dawson, of Virginia.
William E. DeCourcy, of Texas.
Howard Donovan, of Illinois.
Albert M. Doyle, of Michigan.
Maurice P. Dunlap, of Minnesota.
Curtis T. Everett, of Tennessee.
Samuel J. Fletcher, of Maine.
Walter A. Foote, of Texas.
Richard Ford, of Oklahoma.
Lynn W. Franklin, of Maryland.
Raymond H. Geist, of Ohio.
Bernard Gotlieb, of New York.
Harry F. Hawley, of New York.
Thomas McEnelly, of New York.
James E. McKenna, of Massachusetts.
Renwick S. McNiece, of Utah.
John J. Meily, of Pennsylvania.
James P. Moffitt, of New York.
Edmund B. Montgomery, of Illinois.
Charles Roy Nasmith, of New York.
Alfred T. Nester, of New York.
Harold Playter, of California.
Christian M. Ravndal, of Iowa.
Sydney B. Redecker, of New York.
Horace Remillard, of Massachusetts.
Lester L. Schnare, of Georgia.
Paul C. Squire, of Massachusetts.
Christian T. Steger, of Virginia.
Leo D. Sturgeon, of Illinois.
Samuel R. Thompson, of California.
Marshall M. Vance, of Ohio.
Samuel H. Wiley, of North Carolina.
Rollin R. Winslow, of Michigan.
Damon C. Woods, of Texas.
Romeyn Wormuth, of New York.

The following-named Foreign Service officers of class 6 and consuls to be also secretaries in the Diplomatic Service of the United States of America:

Maurice W. Altaffer, of Ohio.
William H. Beach, of Virginia.
Gilson G. Blake, Jr., of Maryland.
Lee R. Blohm, of Arizona.
Ralph A. Boernstein, of the District of Columbia.
Lewis V. Boyle, of California.
Russell M. Brooks, of Oregon.
John H. Bruins, of New York.
Leo J. Callanan, of Massachusetts.
John S. Calvert, of North Carolina.
Prescott Childs, of Massachusetts.
Thomas D. Davis, of Oklahoma.
Charles H. Derry, of Georgia.
Charles L. DeVault, of Indiana.
Samuel G. Ebling, of Ohio.
Augustin W. Ferrin, of New York.
C. Paul Fletcher, of Tennessee.
Ilo C. Funk, of Colorado.
Herndon W. Goforth, of North Carolina.
Joseph G. Groeninger, of Maryland.
George J. Haering, of New York.
Julian F. Harrington, of Massachusetts.
Richard B. Haven, of Illinois.
William W. Heard, of Maryland.
Charles H. Heisler, of Delaware.
John F. Huddleston, of Ohio.
Joel C. Hudson, of Missouri.
George R. Hukill, of Delaware.
Benjamin M. Hulley, of Florida.
Charles W. Lewis, Jr., of Michigan.
Stewart E. McMillin, of Kansas.
Erik W. Magnuson, of Illinois.
Marcel E. Malige, of Idaho.
C. Warwick Perkins, Jr., of Maryland.
Austin R. Preston, of New York.
Walter S. Reineck, of Ohio.
John S. Richardson, Jr., of Massachusetts.
Quincy F. Roberts, of Texas.
Thomas H. Robinson, of New Jersey.
William A. Smale, of California.
E. Talbot Smith, of Connecticut.
George Tait, of Virginia.
Sheridan Talbott, of Kentucky.
Harry L. Troutman, of Georgia.
Frederik van den Arend, of North Carolina.
William Clarke Vyse, of the District of Columbia.
James R. Wilkinson, of Wisconsin.
Herbert O. Williams, of California.
Gilbert R. Willson, of Texas.
Howard F. Withey, of Michigan.
Leslie E. Woods, of Massachusetts.

The following-named Foreign Service officer of class 5 and secretary in the Diplomatic Service to be also a consul of the United States of America:

Edward S. Crocker, 2d, of Massachusetts.

The following-named Foreign Service officers of class 6 and secretaries in the Diplomatic Service to be also consuls of the United States of America:

Richard M. de Lambert, of New Mexico.
Gerhard Gade, of Illinois.

PRESIDING JUDGE, UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

Hon. Finis J. Garrett, of Tennessee, to be presiding judge of the United States Court of Customs and Patent Appeals, vice Hon. William J. Graham, deceased.

UNITED STATES DISTRICT JUDGE

John H. Druffel, of Ohio, to be United States district judge for the southern district of Ohio. (He is now serving under a recess appointment.)

UNITED STATES HOUSING AUTHORITY

Nathan Straus, of New York, to be Administrator of the United States Housing Authority.

WORKS PROGRESS ADMINISTRATION

Robert J. Dill, of Florida, to be State administrator in the Works Progress Administration for Florida, vice Frank Ingram, resigned.

FEDERAL HOME LOAN BANK BOARD

William H. Husband, of Ohio, to be a member of the Federal Home Loan Bank Board for the unexpired portion of the term of 6 years from July 22, 1934, to which office he was appointed during the last recess of the Senate, vice Henry E. Hoagland.

FEDERAL ADMINISTRATION OF PUBLIC WORKS

The following-named persons for appointment to the offices in the Federal Emergency Administration of Public Works, to which they were appointed during the last recess of the Senate, as follows:

Howard A. Gray, of Illinois, to be Assistant Administrator.

Maurice E. Gilmore, of New York, to be regional director, region I.

David R. Kennicott, of Illinois, to be regional director, region II.

Howard T. Cole, of Georgia, to be regional director, region III.

Robert A. Radford, of Minnesota, to be regional director, region IV.

George M. Bull, of Colorado, to be regional director, region V.

Claude C. Hockley, of Oregon, to be regional director, region VII.

RAILROAD RETIREMENT BOARD

Murray W. Latimer, of New York, to be a member of the Railroad Retirement Board for a term of 5 years from August 29, 1937, to which office he was appointed during the last recess of the Senate. (Reappointment.)

BOARD OF TAX APPEALS

John W. Kern, of Indiana, to be a member of the Board of Tax Appeals for the unexpired term of 12 years from June 2, 1926, to which office he was appointed during the last recess of the Senate, vice Justin Miller.

PROMOTIONS AND APPOINTMENTS IN THE NAVY

Civil Engineer Ben Moreell to be Chief of the Bureau of Yards and Docks in the Department of the Navy, with the rank of rear admiral, for a term of 4 years from the 1st day of December 1937.

The following-named captains to be rear admirals in the Navy, to rank from the date stated opposite their names:

David M. LeBreton, August 1, 1937.
Husband E. Kimmel, November 1, 1937.

The following-named commanders to be captains in the Navy, to rank from the date stated opposite their names:

Robert G. Coman, July 1, 1937.
Charles E. Reordan, September 1, 1937.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the date stated opposite their names:

Edward H. Jones, June 30, 1937.
Frank R. Dodge, July 1, 1937.
William W. Warlick, July 1, 1937.
Vincent R. Murphy, July 1, 1937.
Charles W. Styer, July 1, 1937.
Thomas L. Sprague, August 1, 1937.
Owen E. Grimm, September 1, 1937.
Einar R. Johnson, September 1, 1937.
Pal L. Meadows, September 1, 1937.
Thomas B. Inglis, September 1, 1937.
Earl E. Stone, September 1, 1937.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

Charles O. Glisson, February 1, 1937.
William S. Price, May 1, 1937.
Donald F. Smith, June 1, 1937.
Louis G. McGlone, June 3, 1937.
Melville E. Eaton, June 3, 1937.
Walter G. Schindler, June 3, 1937.
Eugene B. Oliver, June 3, 1937.
Ralph E. Hanson, June 3, 1937.
Thomas L. McCann, June 3, 1937.
Clarence E. Aldrich, June 3, 1937.
George L. Russell, June 21, 1937.
Leo B. Farrell, June 30, 1937.
William D. Hoover, June 30, 1937.
Richard W. Dole, June 30, 1937.
Leon J. Huffman, June 30, 1937.
Milton E. Miles, June 30, 1937.
Thomas B. Dugan, June 30, 1937.
Alfred R. Taylor, June 30, 1937.
Howard R. Healy, July 1, 1937.
Lucien Ragonnet, July 1, 1937.
Frank T. Watkins, July 1, 1937.
Tom B. Hill, August 1, 1937.
John M. Higgins, August 1, 1937.
Carl F. Espe, September 1, 1937.
James P. Clay, September 1, 1937.
Edward C. Metcalfe, September 1, 1937.
John H. Leppert, September 1, 1937.
John P. Whitney, November 1, 1937.
Anthony L. Danis, November 1, 1937.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Nic Nash, Jr., June 1, 1937.
Walter J. Whipple, June 30, 1936.
Douthey G. McMillan, June 30, 1936.
John L. Ewing, Jr., June 30, 1936.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the 3d day of June 1937:

Basil N. Rittenhouse, Jr.	MacDonald C. Mains
Guy W. Stringer	Harold E. Karrer
Julian H. Leggett	Ralph C. Lynch, Jr.
Richard E. Hawes (an additional number in grade)	Carl A. Peterson
	Jacob W. Waterhouse
George H. Wales	Marvin G. Kennedy
Charles E. Weakley	Edward F. Hutchins
Delos E. Wait	Oliver G. Kirk
Henry S. Persons	Robert DeV. McGinnis
Earl A. Junghans	Earl T. Schreiber
Leonard T. Morse	Arthur S. Hill
Robert B. McCoy	Edward J. O'Donnell
Frank Novak	Warner S. Rodimon
Baron J. Mullaney	Edward R. Hannon
John R. Moore	William H. Watson, Jr.
Elliott W. Parish, Jr.	Frank B. Stephens
Caleb B. Laning	Edwin P. Martin
Claude V. Ricketts	Goldsborough S. Patrick
Robert J. Ramsbothem	Benjamin Coe
Richard C. Lake	Lowell T. Stone

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the 30th day of June 1937:

Samuel B. Frankel	Frederic S. Keeler
James H. Mills, Jr.	Clayton C. McCauley
Kemp Tolley	Stanley C. Strong

John M. Bermingham	William C. Ennis
James T. Hardin	Kleber S. Masterson
Paul J. Nelson	Herman N. Larson
Gustave N. Johansen	Joseph A. E. Hindman
Frank P. Mitchell, Jr.	John R. Craig
Francis D. Jordan	Marshall E. Dornin
Gordon F. Duvall	Frank I. Winant, Jr.
John P. Rembert, Jr.	Raymond W. Johnson
Almon E. Loomis	Richard M. Nixon
John Raby	David L. Whelchel
Alexander H. Hood	Ephraim P. Holmes
Roderick S. Rooney	Wilfred A. Walter
Egbert A. Roth	Walter M. Foster
Donald F. Weiss	William C. Butler, Jr.
Edward C. Stephan	Robert L. Moore, Jr.
Henry J. McRoberts	John T. Hayward
Harold Nielsen	Frank L. Johnson
Carl A. Johnson	Francis E. Bardwell
Leroy C. Simpler	William H. Kirvan
Cleaveland D. Miller	William T. Nelson
Richard G. Visser	Nicholas Lucker, Jr.
Philip R. Osborn	Hugh T. MacKay
Leonard V. Duffy	Herman A. Pieczentkowski
Andrew McB. Jackson, Jr.	Thomas B. Haley
Wellington T. Hines	Mell A. Peterson
Richard T. Spofford	Burrell C. Allen, Jr.
James H. Hean	Samuel M. Randall
Peter H. Horn	George N. Butterfield
Charles B. Martell	John C. Kinert
Bruce E. S. Trippensee	Denys W. Knoll
Edmund E. Garcia	Donald F. Krick
William B. Epps	Frank T. Sloat
Emery Roughton	Francis S. Stich
Manley H. Simons, Jr.	Edward S. Carmick
Harry B. Dodge	George C. Seay

The following-named lieutenants (junior grade) to be lieutenants in the Navy to rank from the 1st day of July 1937:

Dudley W. Morton	John E. Lee
John R. McKnight, Jr.	Henry O. Hansen
Lynne C. Quiggle	John Corbus
Jefferson R. Dennis	Otis J. Earle
Robert J. Stroh	

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

John M. Lewis, July 26, 1937.
Gifford Scull, August 1, 1937.
Victor S. Gaulin, August 1, 1937.
Howard G. Corey, August 1, 1937.
Alfred E. Grove, August 20, 1937.
Lance E. Massey, August 24, 1937.
James W. Davis, September 1, 1937.
Eugene T. Sands, September 1, 1937.
Donald J. Sass, September 1, 1937.
Clyde B. Stevens, Jr., September 1, 1937.
Frank P. Luongo, Jr., October 14, 1937.
Kenneth McL. Gentry, October 14, 1937.
Thomas L. Wogan, October 14, 1937.
George M. Holley, November 1, 1937.
Robert J. Esslinger, November 1, 1937.

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 29th day of May 1937:

Fitzhugh McMaster
Rufus L. Taylor
Morgan Slayton

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 31st day of May 1937:

Lewis C. Coxe	Harry H. Greer, Jr.
Orme C. Robbins	Paul L. Joachim
William C. G. Church	Bernard A. Clarey
Richard L. Mann	Earl W. Logsdon
John W. Howard	Ellis B. Rittenhouse
Christy C. Butterworth	Herman J. Kossler
Alfred D. Kilmartin	Ronald Q. Rankin
Francis W. Scanland, Jr.	John C. Martin
Donald E. Pugh	Richard S. Stuart
John H. Parker	Claude F. Bailey
Fletcher L. Sheffield, Jr.	Harold W. Campbell, Jr.
William R. Peeler	Herbert F. Carroll, Jr.

The following-named passed assistant surgeons to be surgeons in the Navy, with the rank of lieutenant commander, to rank from the 30th day of June 1937:

William E. Pinner	Herman Seal
Henry M. Weber	Robert E. Baker
John M. Woodard	

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, to rank from the 3d day of June 1937:

John D. Yarbrough	Joseph L. Zundell
John M. Wheelis, Jr.	Benjamin G. Feen
Robert L. Ware	Francis K. Smith
Alvin J. Cerny	James B. Butler
Langdon C. Newman	Erwin H. Osterloh
Donald R. Tompkins	Paul M. Hoot
Leslie D. Ekvall	

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, to rank from the 30th day of June 1937:

Harold E. Gillespie	David H. Davis
Ralph C. Boren	Lewis T. Dorgan
Julian M. Jordan	Carl V. Green, Jr.

The following-named citizens of the United States to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade) to rank from the date stated opposite their names:

Charles F. McCaffrey, August 1, 1937.
Alfred L. Smith, November 11, 1937.
Marion E. Roudebush, November 11, 1937.
Edward P. McLarney, November 11, 1937.
Earle E. Metcalfe, November 11, 1937.
Jefferson Davis, November 11, 1937.
Joseph M. Hanner, November 11, 1937.

The following-named dental surgeons to be dental surgeons in the Navy, with the rank of commander, to rank from the date stated opposite their names:

James I. Root, June 30, 1936.
Charles C. Tinsley, June 30, 1936.
Walter Rehrauer, June 30, 1936.
Philip H. MacInnis, June 30, 1936.
Edward B. Howell, June 3, 1937.
Francis G. Ulen, June 3, 1937.
Henry R. Delaney, July 1, 1937.

Passed Assistant Dental Surgeon Gunnar N. Wennerberg to be a dental surgeon in the Navy with the rank of lieutenant commander, to rank from the 30th day of June 1937.

The following-named citizens of the United States to be assistant dental surgeons in the Navy, with the rank of lieutenant (junior grade), to rank from the 6th day of October 1937:

Jerome B. Casey	Otto H. Schlicht
Donald L. Truscott	Mallie A. Griffin
Gail T. Curren	Roger V. Chastain
Erling J. Lorentzen	Wilbur H. Pederson
Caryl J. Hoffer	William J. van Ee, Jr.
Lloyd W. Thomas	Stanley W. Eaton
Emeron F. Bachhuber	David M. Fox
Maurice E. Simpson	Kenneth L. Urban

The following-named paymasters to be pay inspectors in the Navy, with the rank of commander, to rank from the 1st day of July 1937:

Charles J. Harter	William C. Wallace
Robert O'Hagan	Thomas A. Durham
Charles C. Timmons	William A. Best
Robert L. Mabon	

Paymaster James D. Boyle to be a pay inspector in the Navy, with the rank of commander, to rank from the 1st day of September 1937.

Passed Assistant Paymaster George W. Bauernschmidt to be a paymaster in the Navy, with the rank of lieutenant commander, to rank from the 1st day of July 1937.

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant, to rank from the date stated opposite their names:

Donald S. Gordon, May 1, 1937.
John W. Haines, June 3, 1937.
Allan McL. Gray, June 30, 1937.
Ernest C. Collins, June 30, 1937.
Henry S. Cone, June 30, 1937.
Milton C. Dickinson, June 30, 1937.

The following-named citizens of the United States to be assistant paymasters in the Navy, with the rank of ensign, to rank from the date stated opposite their names:

Burrows W. Morgan, Jr., August 16, 1937.
John Vinn, Jr., September 22, 1937.

The following-named acting chaplains to be chaplains in the Navy with the rank of lieutenant, to rank from the date stated opposite their names:

Frank R. Hamilton, June 3, 1937.
Lon P. Johnson, June 30, 1937.
Carl M. Sitler, June 30, 1937.
David L. Quinn, June 30, 7937.

Lt. (Jr. Gr.) Allan M. Chambliss to be an assistant naval constructor in the Navy, with the rank of lieutenant (junior grade), to rank from the 1st day of June 1936.

The following-named ensigns to be assistant naval constructors in the Navy, with the rank of ensign, to rank from the 31st day of May 1934:

Charles H. Gerlach
Edgar H. Batcheller
Walter E. Baranowski
Edward R. Tilburne
George C. Wells

Civil Engineer Archibald L. Parsons to be a civil engineer in the Navy, with the rank of rear admiral, to rank from the 1st day of October 1937.

Lt. (Jr. Gr.) Lewis M. Davis, Jr., to be an assistant civil engineer in the Navy, with the rank of lieutenant (junior grade), to rank from the 1st day of June 1936.

The following-named ensigns to be assistant civil engineers in the Navy, with the rank of ensign, to rank from the 31st day of May 1934:

Neil E. Kingsley
James R. Davis
Ernest S. Bathke

Boatswain Arthur L. Parker to be a chief boatswain in the Navy, to rank with but after ensign from the 3d day of July 1934.

The following-named pharmacists to be chief pharmacists in the Navy, to rank with but after ensign, from the date stated opposite their names:

Russell P. Cunningham, March 30, 1937.
William A. Washburn, July 1, 1937.
Alfred T. Simons, July 1, 1937.
Addie Young, July 1, 1937.

The following-named lieutenants to be lieutenants in the Navy, to rank from the date stated opposite their names, to correct the date of rank as previously nominated and confirmed:

Doyle G. Donaho, June 30, 1936.
Alan R. Montgomery, June 30, 1936.
Hugh R. Nieman, Jr., July 1, 1936.
John K. McCue, November 1, 1936.
Alan B. Banister, February 1, 1937.
John C. Alderman, February 1, 1937.
George F. Beardsley, June 3, 1937.
Richard R. Ballinger, June 3, 1937.
William T. Easton, June 3, 1937.
Eddie R. Sanders, June 30, 1937.
Bernhart A. Fuetsch, July 1, 1937.
Christian L. Engleman, July 1, 1937.
Jack S. Dorsey, July 1, 1937.

MARINE CORPS

Col. Seth Williams, Assistant Quartermaster, to be the Quartermaster of the Marine Corps, with the rank of brigadier general, for a period of 4 years from the 1st day of December 1937.

Lt. Col. Clarke H. Wells to be a colonel in the Marine Corps from the 1st day of September 1937.

Lt. Col. Maurice E. Shearer to be a colonel in the Marine Corps from the 1st day of November 1937.

Maj. William A. Worton to be a lieutenant colonel in the Marine Corps from the 1st day of September 1937.

Maj. John W. Thomason, Jr., to be a lieutenant colonel in the Marine Corps from the 1st day of November 1937.

Capt. Clyde H. Hartsel to be a major in the Marine Corps from the 13th day of August 1937.

Capt. Benjamin W. Atkinson to be a major in the Marine Corps from the 1st day of September 1937.

Capt. William L. Bales to be a major in the Marine Corps from the 1st day of October 1937.

The following-named captains to be captains in the Marine Corps to correct the dates from which they take rank as previously nominated and confirmed:

John B. Hill, from the 1st day of February 1937.
James R. Hester, from the 19th day of February 1937.
William F. Parks, from the 1st day of March 1937.
William A. Willis, from the 1st day of April 1937.
John S. Holmberg, from the 22d day of April 1937.
Clarence J. O'Donnell, from the 1st day of June 1937.
James M. Daly, from the 30th day of June 1937.

The following-named first lieutenants to be captains in the Marine Corps from the 30th day of June 1937:

James P. Berkeley
Edson L. Lyman
Thomas B. Hughes
Fred D. Beans

First Lt. August Larson to be a captain in the Marine Corps from the 1st day of July 1937.

First Lt. Donovan D. Sult to be a captain in the Marine Corps from the 13th day of August 1937.

First Lt. Norman Hussa to be a captain in the Marine Corps from the 13th day of August 1937.

First Lt. Henry T. Elrod to be a captain in the Marine Corps from the 1st day of September 1937.

First Lt. Robert L. McKee to be a captain in the Marine Corps from the 1st day of September 1937.

First Lt. Edward B. Carney to be a captain in the Marine Corps from the 1st day of October 1937.

First Lt. Austin R. Brunelli to be a captain in the Marine Corps from the 1st day of November 1937.

The following-named citizens to be second lieutenants in the Marine Corps, revocable for 2 years, from the 1st day of July 1937:

Frank W. Davis, a citizen of West Virginia.
Charles N. Endweiss, a citizen of Massachusetts.
Charles J. Quilter, a citizen of New York.
Frank G. Umstead, a citizen of North Carolina.

Quartermaster Clerk John L. McCormack to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 17th day of September 1937.

HOUSE OF REPRESENTATIVES

TUESDAY, NOVEMBER 16, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, Thou who dost from Thy throne behold Thy earthly children, we praise Thee that we are still folded in Thy memory. We do not ask Thee to be spared from urgent duty, but for grace and wisdom to meet it with unfaltering step. We pray Thee to keep our hearts pure, our lives clear and more beneficent. O Father of deathless love, bless all our hearthstones, for there is nothing more beautiful than the heavenly triumph of loving hearts. Infinite God, lift the curtain of the world and show Thyself a God of justice, judgment, and full of mercy toward those who suffer; let us hear the notes of a better world coming into light. Grant, O Lord and Master, that brotherly love may walk